

From: Fran Goff <frangoff@sbcglobal.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/23/06 9:58PM
Subject: BAREC

Gloria Sciara, Project Manager
City of Santa Clara, Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050
408-7615-2450

RE: BAREC/Santa Clara Gardens Draft EIR Comment

TO: Gloria Sciara

I live adjacent to BAREC. I am greatly concerned by the way the State has decided to clean up BAREC for the following reasons:

1. There is a study running around our neighborhood which shows that 42 out of 164 homes downwind from BAREC have had or have cancer. I do not know another neighborhood which has so many cancers as ours. Rachael Carson's Silent Spring talks about how serious long term exposure to chemicals is as opposed to casual exposure. The EIR does not address this health issue. Why?

2. The State knows that putting Dieldrin in the air can cause cancer when it is airborne. Your EIR shows that most of this Dieldrin is in the top 6 inches of the soil. Yet, for the past three years the State continues to disk the soil to keep the weeds down thus placing the Dieldrin in the air and causing future health problems to the neighborhood. With this attitude how can we trust any recommendation the State has?

3. According to the EIR Dieldrin is found worse than what EPA allows and yet, the EIR has decided to "average out" two of these Dieldrin "hot spots" and only remove one of them. I would hate to be a senior or have a child living on this land in these homes. You can be sure our neighborhood will tell future owners of the negligence we have seen by the State, by the City, and by this EIR.

4. Why did the EIR and RAW (Removal Action Workplan) not use the research projects in listing the chemicals used on the RAW list? This was a research site and especially in the 1950s and 1960s there were all kinds of new chemicals to experiment with. You should also be listing the chemicals that the State used in flying sharecroppers over BAREC from the 1950s to the mid 1970s. By eliminating this information it is almost certain that you have not made the appropriate tests for the site. This is a major flaw in the EIR report. It is a sure sign of inaccuracy and incompleteness in the EIR.

5. Why did the EIR and RAW not consider bioremediation as a means to clean up the soil? It is safer and cleans up the problems more thoroughly. The neighborhood would feel much safer if you considered this alternative. For all the damages the State has done to the people's health who live in this neighborhood you could at least do something right for us so that these chemicals would not continue in our soils as well as in the BAREC's soil. The process would also help show us how to clean up the chemicals you have placed in all the garden soil around BAREC. What are you planning to do to clean up the garden soils around BAREC's edge? This was not mentioned in the EIR.

83-1

The EIR did a very poor and inaccurate job of describing the alternative that is being proposed by Save BAREC. From what I understand you have not talked to them when you decided what to write. Why are you ignoring the correct details for the wonderful idea of keeping BAREC in agricultural open space?

It is hard to believe the EIR does not think that BAREC is important enough to be placed on the national historical registry when the City of Santa Clara's historian, Lori Garcia, said in public to the Santa Clara Historical Commission that BAREC was so important to the City it should be on the national historical registry. Why is the Shafter Research and Extension Center in Bakersfield on the national historical registry when its history is far less rich than BAREC's? Why would the California History Center have BAREC as a feature article in their magazine, The Californian, if they did not consider BAREC important to the Valley's history? Why would there be so many historians supporting saving BAREC in the Santa Clara Valley if BAREC was not so important to the Valley's history (see the savebarec.org supporter list)?

I look forward to your response to my questions and concerns.

Frances Goff
607 Crestview Drive
San Jose, CA 95117

83-1
Cont'd

LETTER 83

Frances Goff
April 23, 2006

83-1 This comment letter repeats the content of comment letter 80. Please refer to responses to comments 80-1 through 80-9.

RECEIVED

April 23, 2006

APR 24 2006

Gloria Sciara, Project Manager
City of Santa Clara, Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050
408-7615-2450
gsciara@ci.santa-clara.ca.us

City of Santa Clara
Planning Division

RE: BAREC/Santa Clara Gardens Draft EIR Comment

TO: Gloria Sciara

I live adjacent to BAREC on Henry and am called "the bird man" because I love birds and have an aviary in my back garden. I am greatly concerned by the way the State has decided to clean up BAREC for the following reasons:

1. There is a study running around our neighborhood that shows that 42 out of 164 homes downwind from BAREC have had or have cancer. I do not know another neighborhood that has so many cancers as ours. Rachael Carson's Silent Spring talks about how serious long-term exposure to chemicals is as opposed to casual exposure. The EIR does not address this health issue. Why?
2. The State knows that putting Dieldrin in the air can cause cancer when it is airborne. Your EIR shows that most of this Dieldrin is in the top 6 inches of the soil. Yet, for the past three years it continues to disk the soil to keep the weeds down thus placing the Dieldrin in the air and causing future health problems to the neighborhood. With this attitude how can we trust any recommendation the State has?
3. According to the EIR Dieldrin is found worse than what the EPA allows and yet, the EIR has decided to "average out" two of these Dieldrin "hot spots" and only remove one of them. I would hate to be a senior or have a child living on this land in these homes. You can be sure our neighborhood will tell future owners of the negligence we have seen by the State, by the City, and by this EIR.
4. Why did you not use the research projects in listing the chemicals used on the RAW list? This was a research site and especially in the 1950s and 1960s there were all kinds of new chemicals to experiment with. You should also be listing the chemicals that the State used in sharecroppers over BAREC from the 1950s to the mid 1970s. By eliminating this you have not made the appropriate tests for the site. This is a major flaw in the EIR report. It is a sure sign of inaccuracy and incompleteness in the EIR.
5. Why have you not considered bioremediation as a means to clean up the soil? It is safer and cleans up the problems more thoroughly. The neighborhood would feel much safer if you considered this alternative. For all the damages the State has done to the people's health who live in this neighborhood you could at least do something right for us so that these chemicals would not continue in our soils as well as in the BAREC's soil. The process would also help show us how to

84-1

clean up the chemicals you have placed in all the garden soil around BAREC.
What are you planning to do to clean up the garden soils around BAREC's edge?
This was not mentioned in the EIR.

The EIR did a very poor and inaccurate job of describing the alternative that is being proposed by Save BAREC. From what I understand you have not talked to them when you decided what to write. Why are you ignoring the correct details for the wonderful idea of keeping BAREC in agricultural open space?

I cannot believe the EIR states that BAREC should not be on the national historical registry when the City of Santa Clara's historian, Lori Garcia, said in public to the Santa Clara Historical Commission that BAREC was so important to the City it should be on the national historical registry. Why was the Shafter Research and Extension Center in Bakersfield on the national historical registry when its history is far less rich than BAREC's? Why would the California History Center have BAREC as a feature article in their magazine, The Californian, if they did not consider BAREC important to the Valley's history? Why would there be so many historians supporting saving BAREC in the Santa Clara Valley if BAREC was not so important to the Valley's history (see the savebarec.org supporter list)?

Thank you for your considerate attention to the above.



KENNETH G. RANDAZZO



MARGARET RANDAZZO

124 N. HENRY AVE.
SAN JOSE CA. 95117
CELL # 408 888 7846

84-1
Cont'd

LETTER 84

Kenneth & Margaret Randazzo

April 23, 2006

84-1 This comment letter repeats the content of comment letter 80. Please refer to responses to comments 80-1 through 80-9.

From: "Forrester, Ric" <Ric.Forrester@kla-tencor.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/25/06 10:14AM
Subject: BAREC Draft EIR

Gloria Sciara, Project Manager

City of Santa Clara, Planning Division

1500 Civic Center Drive

Santa Clara, CA 95050

408-7615-2450

gsciara@ci.santa-clara.ca.us <mailto:gsciara@ci.santa-clara.ca.us>

RE: BAREC/Santa Clara Gardens Draft EIR Comment

TO: Gloria Sciara

I live in Santa Clara adjacent to BAREC , in harms way of any airborne contaminants that might travel from the BAREC site. I am greatly concerned by the way the State has decided to clean up BAREC for the following reasons:

1. There is a study running around our neighborhood which shows that 42 out of 164 homes downwind from BAREC have had or have cancer. I do not know another neighborhood which has so many cancers as ours. Rachael Carson's Silent Spring talks about how serious long term exposure to chemicals is as opposed to casual exposure. The EIR does not address this health issue. Why?
2. The State knows that putting Dieldrin in the air can cause cancer when it is airborne. Your EIR shows that most of this Dieldrin is in the top 6 inches of the soil. Yet, for the past three years the State continues to disk the soil to keep the weeds down thus placing the Dieldrin in the air and causing future health problems to the neighborhood. With this attitude how can we trust any recommendation the State has?
3. According to the EIR Dieldrin is found worse than what EPA allows and yet, the EIR has decided to "average out" two of these Dieldrin "hot spots" and only remove one of them. I would hate to be a senior or have a child living on this land in these homes. You can be sure our neighborhood will tell future owners of the negligence we have seen by the State, by the City, and by this EIR.
4. I have been informed that the Dieldrin hot-spot targeted for removal is in the location (conveniently?) where a pitifully small

85-1

portion of the acreage has been allocated for a 'park' and that the other hot spot is to be re-distributed around the total acreage to dilute (but not remove) the presence of Dieldrin. If true, I find it shocking that a choice would be made to leave a carcinogen in place thus endangering new neighbors as well as old for years to come. Even if not altogether true, the fact that a full clean-up of contaminants is not apparently in the works is an obscenity.

5. Why did the EIR and RAW (Removal Action Workplan) not use the research projects in listing the chemicals used on the RAW list? This was a research site and especially in the 1950s and 1960s there were all kinds of new chemicals to experiment with. You should also be listing the chemicals that the State used in flying sharecroppers over BAREC from the 1950s to the mid 1970s. By eliminating this information it is almost certain that you have not made the appropriate tests for the site. This is a major flaw in the EIR report. It is a sure sign of inaccuracy and incompleteness in the EIR.

6. Why did the EIR and RAW not consider bioremediation as a means to clean up the soil? It is safer and cleans up the problems more thoroughly. The neighborhood would feel much safer if you considered this alternative. For all the damages the State has done to the people's health who live in this neighborhood you could at least do something right for us so that these chemicals would not continue in our soils as well as in the BAREC's soil. The process would also help show us how to clean up the chemicals you have placed in all the garden soil around BAREC. What are you planning to do to clean up the garden soils around BAREC's edge? This was not mentioned in the EIR.

85-1
Cont'd

The EIR did a very poor and inaccurate job of describing the alternative that is being proposed by Save BAREC. From what I understand you have not talked to them when you decided what to write. Why are you ignoring the correct details for the wonderful idea of keeping BAREC in agricultural open space?

It is hard to believe the EIR does not think that BAREC is important enough to be placed on the national historical registry when the City of Santa Clara's historian, Lori Garcia, said in public to the Santa Clara Historical Commission that BAREC was so important to the City it should be on the national historical registry. Why is the Shafter Research and Extension Center in Bakersfield on the national historical registry when its history is far less rich than BAREC's? Why would the California History Center have BAREC as a feature article in their magazine, The Californian, if they did not consider BAREC important to the Valley's history? Why would there be so many historians supporting saving BAREC in the Santa Clara Valley if BAREC was not so important to the Valley's history (see the savebarec.org supporter list)?

I look forward to your response to my questions and concerns.

Ric Forrester

Jalayne Forrester

3374 Londonderry Place

Santa Clara, CA 95050

CC: <snafner@pacbell.net>, "Jalayne Forrester" <jalayne@pacbell.net>

LETTER 85

Ric and Jalayne Forrester

April 25, 2006

85-1 This comment letter repeats the content of comment letter 80. Please refer to responses to comments 80-1 through 80-9.

From: "Margo Wixsom" <wixword@sbcglobal.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 12:05AM
Subject: BAREC Lan use decisions

Dear Ms. Sciara,

I have attended several of the BAREC review meetings and I am shocked and saddened that it appears that the Santa Clara City Council seems to have already made a decision to sell this land to developers for housing. The Council has made no effort to get community feedback or present options for the land use to the public. My understanding is that last November they agreed to have the land cleaned for housing specifications and have already made agreements with several developers. I thought that the Department of General Services had the option to sell the land to a community land/parks management group, and it's my understanding that the Guadalupe Coyote Resource Conservation District has offered to work with the city to purchase the land for park/community resources. The council has ignored this offer and forged ahead with housing development plans that seem to be pre-set.

86-1

I attended the recent meeting of the state team that is coordinating the clean-up. They stated that the city had specified that the land be cleaned for use as housing. They informed the community group that in fact it would have cost substantially less clean the land for parks use. The city council, with a majority of members who are real estate agents seem to have an pre-selected agenda for the land use regardless of what the community wants or needs. I am requesting that the real estate agents on the council excuse themselves from voting on the land use of BAREC because they will directly profit from sales of housing as agents for profit. This is shameful to waste taxpayer money on such an expensive clean-up before deciding on the land use or even bringing the choices to the public.

86-2

I think that it is a breach of public trust for the council to decide on the land use for housing development without any public commentary, especially given that Santa Clara already has the largest commercial areas available and under development for housing in the Bay Area. District 4 is also the only area in the county that does not have any green space or open space preserve for parkland. BAREC would be a rare gift to the community as a preservation are for park/greenspace. I have attended several council meetings and the council is loath to hear any discussion on the issue of preserving BAREC as a green space option. Mayor Mahan has limited commentary to 2 minutes at the last meeting when this issue came up.

86-3

I think that the council has done a great disservice to this community by refusing to consider anything but a housing development for the BAREC land. They have done a disservice in turning a deaf ear to any community dialogue about options for the land use other than housing development. My understanding is that the space should have been offered to a local agency

86-4

like the Guadalupe Coyote Resource Conservation District before offering it to commercial developers. I will encourage and assist other community members in seeking the possibility of a lawsuit against the city council to stop housing development and investigate how this council has possibly pre-empted state and Brown laws for open information meetings to make a decision on this land use.

86-4
Cont'd

I encourage the council to stop their development plans and hold honest and open meetings in which they are willing to listen to the community of voices that are calling for the consideration of options for decisions on this land to be preserved for community use.

86-5

Sincerely,

Margo Wixsom

623 Viader Court

Santa Clara, CA 95050

LETTER 86

Margo Wixsom

April 24, 2006

- 86-1** The commenter states her general opposition to the project and states that the City Council has made no effort to get community feedback. The commenter also questions the process by which the land can be sold to other groups and agencies. The EIR's public involvement process followed the statutory and State CEQA Guidelines requirements for public notice and public review in seeking public input and incorporating it into the EIR. These requirements are intended to provide the opportunity for public groups to provide their recommendations, comments, and positions for consideration by the City. The comment does not address and environmental issue or the content of the EIR. No additional response is required.
- 86-2** The commenter requests that council members that are real estate agents remove themselves from voting on the project. The comment does not address and environmental issue or the content of the EIR. No additional response is required.
- 86-3** The commenter expresses opposition to the project and suggests that there have been no opportunities for public comment. Please refer to response to comment 86-1. The comment does not address and environmental issue or the content of the EIR. No additional response is required.
- 86-4** The commenter expresses opposition to the project and suggests that the City has pre-empted state and Brown Act laws. The comment does not address and environmental issue or the content of the EIR. No additional response is required.
- 86-5** The commenter encourages the City to stop development plans for the Project Site. The comment does not address and environmental issue or the content of the EIR. No additional response is required.

From: "Jody Hucko" <chateau.hester@earthlink.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 4:45PM
Subject: BAREC/Santa Clara Gardens Draft EIR Comments

Dear Ms. Sciara:

We are former Santa Clara residents who now live in the Shasta Hanchett/Rose Garden area of San Jose – probably even closer to the BAREC property than we did before. We are very concerned about proposals to develop the BAREC property and the potential impacts the proposed development will have on our health and quality of life. Although we do not have the technical expertise to respond to the EIR point by point, we want you to know that we share the concerns so ably expressed by those who are working hard to preserve this important and historic agricultural site. Particularly, we are concerned about the following:

87-1

1. Hazardous Chemicals. We are concerned that the EIR minimizes the significance of the hazardous chemicals, especially dieldrin, found at the site. We are also concerned that the proposed methods of removal will disturb the chemicals and subject the surrounding neighborhood to further health hazards. We understand there is a safer method of cleanup, phytoremediation, and believe that this option should be explored in the EIR. We also believe that independent oversight of any cleanup effort is needed to ensure public safety, not private gain, is the highest priority.

87-2

87-3

2. Traffic and Congestion. We are concerned about the cumulative impact of development on the BAREC site and neighboring parcels. The area around Valley Fair and Santa Row is already a traffic nightmare, with certain intersections deemed "beyond hope" of smooth operation. BAREC development will make things even worse. The EIR points out that the mitigations desirable in connection with development at BAREC depend on the cooperation and money of cities and agencies outside the city of Santa Clara's control. We know from living here over 25 years that the cities and county don't cooperate very well at all and that there isn't enough money to solve the traffic problems that already exist. We think that the EIR needs to be more realistic in assessing the (un)likelihood that any recommended mitigations will occur in a reasonable or timely fashion.

87-4

3. Loss of Prime Farmland and Farmland of Statewide – and Historical – Importance. We appreciate that the EIR recognizes that there is no feasible mitigation for the loss of Prime Farmland and Farmland of Statewide Importance. Unfortunately, the overall impression one gets from the document is that this really isn't that big a deal. We find it shocking that the EIR denies the historical significance of the BAREC property, which has now been well documented and certainly should be better reflected in the document. We also are surprised by the conclusory statement that "it is not economically feasible" to continue to farm the property. Perhaps the writers were thinking only about short-term dollars and cents as a result of rezoning and development of the property. What about the longer-term economic benefits of ongoing innovative research and speciality farming at the site? Or the incalculable value of enhanced health and well-being of area residents that keeping B

87-5

87-6

AREC open space will bring? Turn every reason why the land is valuable for developers around and you have an equally good – or even a better – reason for keeping it open space. We believe the economics should be reflected as such in the EIR.

87-7

Sincerely,
Jody Hucko & Scott MacDonald
1622 Hester Avenue
San Jose, CA 95128-5220
chateau.hester@earthlink.net

LETTER 87

Jody Hucko & Scott MacDonald

April 24, 2006

- 87-1** The commenter expresses opposition to the project. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 87-2** The commenter expresses concern that the DEIR downplays the risk of hazardous materials on-site and that removal of the hazardous materials could result in health hazards to the surrounding neighborhood. The commenter offers no evidence supporting that the DEIR has minimized the evaluation of hazard risks associated with the Project Site. The project's potential hazardous material impacts were evaluated consistent with the requirements of CEQA in Section 4.6, "Hazards and Hazardous Materials," of the DEIR. As described therein, the project includes the preparation of a Removal Action Workplan (RAW) under the oversight of the Department of Toxic Substances Control (DTSC). This plan identifies the proposed actions for removal of contaminated soils from the Project Site and identifies specific health and safety measures that would be implemented to ensure public safety during remediation activities. The DEIR concludes that with implementation of the RAW no significant hazardous material impacts would occur (see Impacts 4.6-1 and 4.6-2 of the Recirculated DEIR). For a discussion of the project's potential health risks, please refer to Master Response 4, Section 3.4.2, "Potential Health Impacts of Remediation Activities, Including Airborne Dispersal."
- 87-3** The commenter states that the DEIR should evaluate the use of phytoremediation. Please refer to Master Response 4, Section 3.4.4, "Use of Phytoremediation/Bioremediation to Remediate On-Site Soils," for a discussion of the feasibility of phytoremediation.
- 87-4** The commenter expresses concern regarding traffic impacts and suggests that the mitigation measures may not be implemented and the DEIR should evaluate the impacts in the event that this mitigation is not implemented. The DEIR presents a comprehensive set of traffic mitigation that would be implemented as conditions of project approval. For most mitigation recommended, the City of Santa Clara would be the agency responsible for overseeing implementation of the mitigation. In some cases, other agencies, such as the City of San Jose, would be responsible for approving and overseeing the implementation of the mitigation. In cases where the City of Santa Clara is not the agency that would have approval authority for implementing the recommended improvement, the DEIR acknowledges that the mitigation is beyond the City's control and it cannot be guaranteed that the mitigation would be implemented. While the measures outside the City's control would be effective in reducing traffic effects to less-than-significant levels, those impacts are identified as being significant and unavoidable because of this uncertainty about mitigation implementation. As a standard approach, the impact analysis begins by describing project impacts before imposition of mitigation, so they have been evaluated in the DEIR. Please see Section 4.10, "Transportation and Circulation" of the DEIR and Recirculated DEIR for that analysis.

87-5

The commenter expresses concern over the loss of prime agricultural land and the conclusions regarding historic resources. Regarding farmland, the project's impacts to farmland resources were evaluated in consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.

Regarding impact conclusions for historic resources, the project's cultural resource impacts were evaluated consistent with the requirements of CEQA in Section 4.11, "Cultural Resources," of the DEIR. As described therein, the DEIR concluded that the Project Site and its features are not eligible for listing on the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP) and that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document). Please refer to Master Response 2 regarding disagreement with the DEIR's conclusions.

87-6

The commenter disagrees with the DEIR's conclusion that it may not be economically feasible to continue farming the property. Please refer to response to comment 75-3, where this issue is addressed.

From: Gloria Sciara
To: Jeannie Bosser
Subject: Re: Public comment on Drat EIR

Thank you for your comments

>>> Jeannie Bosser <jeannie_bosser@yahoo.com> 04/24/06 2:56 PM >>>

Hello,

I disapprove of the Garden Project. I also, disapprove of the zoning change at 90 N. Winchester Blvd, Santa Clara. This is the last of the Santa Clara's prime farmland. This change should be reconsidered. This land should be preserved for educational sustainable agricultural purposes. I am concerned for our future generations. We are using up all the natural resources at an increasing rate. We get a large amount of our produce from other countries. With the loss of fossil fuels in our near future we will not have the transportation we are relying on so heavily to get our food supply. We ought to consider growing some of our own local food supply for emergencies.

88-1

There are perfectly good alternatives for development. How about adding on to Rivermark. It is close to work, freeways, light-rail, etc. Or consider mitigating the loss of agricultural land with an alternative site for educational agricultural purposes while providing locally grown produce.

88-2

Thank you for your consideration,
Jean L. Bosser

Jean L. Bosser
834 Doyle Road
San Jose, Ca 95129

LETTER 88

Jean L. Bosser
April 24, 2006

- 88-1** The commenter expresses opposition to the project and provides commentary regarding the use of natural resources. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 88-2** The commenter suggests relocating the project near the Rivermark development. As described in Section 7.6, "Offsite Alternative," of the DEIR an alternate location for the project was considered. As described therein no feasible locations are available to re-locate the project.

From: "Chris Hacker" <chrishackler@gmail.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 5:02PM
Subject: BAREC

Gloria Sciara, Project Manager
City of Santa Clara

My name is Chris Hackler and I am a senior at San Jose State University. I am writing you in regard to the EIR on the BAREC site on 90 Winchester Blvd., Santa Clara, CA.. I believe there should be more time devoted to notifying the community about the significant impacts that will arise from this proposed project. The area will have to be rezoned and the historical and cultural history importance of the site will be lost. The area is the last of Santa Clara's Prime Farmland and should use that aspect in its new development. An agricultural based community education center can teach children the importance of locally organic grown vegetables and fruits. The harvest can be used to generate profits for the site, like the objectives state in the EIR. I appreciate your time and thank you.

89-1

89-2

89-3

Chris Hackler

CC: <info@savebarec.org>

LETTER 89

Chris Hackler

April 24, 2006

- 89-1** The commenter states that there should be more time to notify the community about the significant impacts. The EIR's public involvement process followed the statutory and State CEQA Guidelines requirements for public notice and public review in seeking public input and incorporating it into the EIR. These requirements are intended to provide the opportunity for public groups and members of the public to provide their recommendations, comments, and positions for consideration by the City.
- 89-2** The commenter expresses the opinion that the historical and cultural importance of the BAREC site will be lost. The project's cultural resource impacts were evaluated consistent with the requirements of CEQA in Section 4.11, "Cultural Resources," of the DEIR. As described therein, the DEIR concluded that the Project Site and its features are not eligible for listing on the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP) and that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document). Please refer to Master Response 2 regarding disagreement with the DEIR's conclusions.
- 89-3** The commenter expresses an opinion regarding the benefits of an agricultural based community. No response is necessary because no questions or new information regarding the environmental analysis were raised.

From: <stephaniechang@planet-save.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 3:22PM
Subject: Comment on DEIR for BAREC property in Santa Clara

Dear Ms. Gloria Sciara,

I am contacting you today to address my concerns over the proposed development of the BAREC property on Winchester Boulevard in Santa Clara. The site is a local and state historical and agricultural treasure, and to rezone it for commercial development would erase this valuable urban resource for our future generations. I strongly and respectfully urge the Planning Division to allow the property to remain zoned as agriculture, and prevent an irreparable loss of history to Santa Clara.

The soil upon the BAREC site must be remediated with a safer alternative to the soil excavation methods planned by the State, such as phytoremediation. Of utmost concern is that excavation methods will create an unavoidable and serious risk to public health.

Upon reviewing the State EIR and Remediation Action Workplan (RAW) for the BAREC site, the discovery of the chemical dieldrin in the soil is of great concern to me. Dieldrin is an extremely dangerous chemical that, as you know, has been completely banned from use by the EPA. The dieldrin present will inevitably become airborne once the soil is disturbed by excavation, and can travel great distances. It has been found in samples of Arctic snow, although no known sources of it were nearby. It is probable that this highly toxic and airborne chemical reached the Arctic by drifting in contaminated soil particles from thousands of miles away. Dieldrin is an extremely persistent organic pollutant that binds tightly to soil, and accumulates in organisms as it moves up the food chain: it is toxic to a wide range of organisms, including humans.

Please, consider non-excavating remediation techniques such as phytoremediation, for a safe alternative to soil excavation and removal. Plants are able to safely take up and store the dieldrin that is present in the soil, and it is also the safest method available within BAREC's residential location. It can also cost 20-80% less than the excavation methods proposed by the State.

I respectfully urge that the Planning Division stop commercial development from occurring on the BAREC property, and ask on behalf of the public that not only is this historical landmark of California safely remediated of its toxic components, but that it also remain zoned as agriculture. BAREC is an irreplaceable and valuable urban resource that has the full potential to educate and inspire the public for many years to come.

Sincerely,

Stephanie Chang
13515 Toni Ann Place
Saratoga CA 95070

Save Rainforest for Free - Sign up for a Free PlanetSave.com Email Account at <http://www.planet-save.com>

90-1

90-2

90-3

90-4

LETTER 90

Stephanie Chang
April 24, 2006

- 90-1** The commenter urges the City Council to keep the Project Site agriculturally zoned, because the site is a local and state historical and agricultural treasure. Regarding farmland, the project's impacts to farmland resources were evaluated in consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to response to Master Response 7 and comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.
- Regarding impact conclusions for historic resources, the project's cultural resource impacts were evaluated consistent with the requirements of CEQA in Section 4.11, "Cultural Resources," of the DEIR. As described therein, the DEIR concluded that the Project Site and its features are not eligible for listing on the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP) and that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document). Please refer to Master Response 2 regarding disagreement with the DEIR's conclusions.
- 90-2** The commenter expresses concern regarding the presence of dieldrin in on-site soils. The project's hazardous materials impacts were evaluated consistent with the requirements of CEQA in Section 4.6, "Hazards and Hazardous Materials," of the DEIR. As described therein, the project includes the preparation of a Removal Action Workplan (RAW) under the oversight of the Department of Toxic Substances Control (DTSC). This plan identifies the proposed actions for removal of contaminated soils (including soils contaminated with dieldrin) from the Project Site and identifies specific health and safety measures that would be implemented to ensure public safety during remediation activities. The DEIR concludes that with implementation of the RAW no significant hazardous material impacts would occur (see Impacts 4.6-1 and 4.6-2 of the Recirculated DEIR). For a discussion of the project's potential health risks, please refer to Master Response 4, Section 3.4.2, "Potential Health Impacts of Remediation Activities, Including Airborne Dispersal."
- 90-3** The commenter suggests the use of non-excavation remediation techniques including the use of phytoremediation to remediate on-site soils. Please refer to Master Response 4, Section 3.4.4, "Use of Phytoremediation/Bioremediation to Remediate On-Site Soils," for a discussion of the feasibility of phytoremediation.
- 90-4** The commenter requests that Project Site not be developed and to keep the site agriculturally zoned. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: "Shelley Berlincourt" <xeli@care2.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 4:16PM
Subject: comments on Santa Clara Gardens proposed project

Dear Gloria Sciara:

My name is Shelley Berlincourt of 524 S. 9th St. Unit 9, San Jose, CA 95112. I am opposed to the Santa Clara Gardens Project proposal for what was formerly the BAREC site. As my public comment, I state that I am opposed to changing the zoning from agricultural to residential. The site should be preserved as open space and public gardens.

91-1

As the last piece of agricultural land in the area, I believe the City of Santa Clara should preserve it as such. Surely we can find a more sustainable solution to finding senior housing, such as building or refurbishing currently unused, already developed properties elsewhere rather than choking out the last spot of agriculture in the county. Agriculture is part of Santa Clara's heritage and the site could be used for community gardens and an education center for everyone, rather than just having a small, fenced in park only for use by a small number of citizens.

91-2

The goals of this project can be met in other ways as I have outlined and it is the duty of the city to listen to the public—many of whom are opposed to the building proposal—on this

Thank you for your attention and I look forward to your response.

Sincerely,
Shelley Berlincourt
524 S. 9th St. Unit 9
San Jose, CA 95112
(408) 417-8574

Care2 make the world greener!

More than 300,000 seals could be killed in Canada this year - most of them babies. Tell Canada's Prime Minister to stop the hunt now!
<http://go.care2.com/stophunt>

<http://www.Care2.com> Free e-mail. 100MB storage. Helps nonprofits.

LETTER 91

Shelley Berlincourt

April 24, 2006

- 91-1** The commenter states that they are opposed to the Proposed Project and to the proposed zoning change. The commenter states that the Project Site should be preserved for open space and public gardens. The DEIR evaluates an alternative that contemplates keeping the Project Site as open space (see Section 7.1, “No Project Alternative – Continuation of Existing Conditions”). As described in Section 7.8, “Environmentally Superior Alternative,” of the DEIR, this alternative was identified to be environmentally superior to project; however, this alternative would not meet any objectives of the project including providing single-family and affordable senior housing to meet the City’s housing shortfall.
- 91-2** The commenter states that the Project Site should be preserved because it is the last agricultural land in the area. The project’s impacts to farmland resources were evaluated consistently with the requirements of CEQA in Section 4.1, “Land Use and Agricultural Resources,” in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.

From: <samccray@aol.com>
To: <GSciara@ci.santa-clara.ca.us>
Date: 4/24/06 4:17PM
Subject: BAREC EIR

Apparently this email went to a wrong email. I am forwarding it for Ms. Eastin.

Sharon McCray
Daytime telephone: 408-264-9654
FAX: 408-264-3014

——Original Message——

From: Delaine A. Eastin <deastin@mills.edu>
To: csciara@ci.santa-clara.ca.us
Cc: samccray@aol.com
Sent: Mon, 24 Apr 2006 11:16:58 -0700
Subject: (no subject)

To the Planning Department of Santa Clara County:

As the former Superintendent of Public Instruction and a former legislator representing part of Santa Clara County, I strongly urge that you retain a precious piece of our history by keeping BAREC as an agricultural resource. For too many of our children, the notion that food comes from "the store" is harming our understanding of the rich and important role of agriculture in American history and society. Santa Clara county has lost most of the once magnificent farmland that was so key to the history of the region. If this land is lost to development, we will have not such opportunity in the future to keep an educational jewel in our midst.

92-1

In the darkest days of the Civil War, President Abraham Lincoln made an amazing suggestion. He proposed that we develop a system of land grant colleges. Clearly, he could have hidden behind a costly war, and kept his idea private. Instead he helped to create a wonderful network of great colleges, including our own University of California. Keeping BAREC as a farm will keep faith with President Lincoln and the children of our region. Please do not do the penny-wise, pound-foolish policy-making that seems to characterize our age. You have a chance to honor the environment and the history of Santa Clara, even as you contribute to the education of our children.

It goes without saying that I do not believe that the EIR is complete. When you remove a resource like this from the region, you do irreparable damage to Santa Clara county and surrounding communities and their children. The suggestion that BAREC does not benefit anyone is clearly myopic and is not based on an appreciation of how children learn.

92-2

Yours most sincerely, Delaine Eastin

Delaine Eastin
Professor of Education
Mills College

5000 MacArthur Blvd.
Oakland CA 94613
510.430.2365

LETTER 92

Delaine Eastin
April 24, 2006

- 92-1** The commenter expresses her general opposition to the project. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 92-2** The commenter states her general opposition to the project and indicates that the EIR is incomplete without providing any evidence supporting such a statement. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: Gloria Sciara
To: ArthureH@aol.com
Date: 4/24/06 4:41PM
Subject: Re: Comments regarding the Draft EIR for BAREC/Santa Clara Gardens

Thank you for your comments. They will be included in the public record for the EIR.

Gloria Sciara, AICP
Interim Manager of Development Review
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2462
(408) 247-9857 (FAX)

>>> <ArthureH@aol.com> 04/24/06 4:23 PM >>>

Gloria Sciara, Project Manager
City of Santa Clara, Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050
RE: BAREC/Santa Clara Gardens Draft EIR - Comments

Dear Gloria,

The following are some comments that I have regarding the Draft EIR for Santa Clara Gardens.

I have reviewed the Draft EIR and project proposal for the BAREC site on Winchester Blvd. in Santa Clara and I do not believe that the EIR is adequate, at this stage, to allow the community and the City to make long-term land use decisions about this property. I also do not believe that the current project proposals do justice to the nature of the site throughout its productive history nor does it speak to an effective future.

The following are some of my specific concerns on the EIR and the project proposals.

1) The important history of the site is not given the full attention it deserves, such as, the Civil War Widows and Daughters, and regarding the very important Agricultural Research Station which served this valley and its farmers for decades.

2) The soils report and related environmental documentation and clean-up discussion, as it stands today in the DEIR, is inadequate. The IER states that Dieldrin, which is even more poisonous than DDT, was found on the site but that it is not known just how it got there. We know that from 1950 to 1975 chemicals were applied to the BAREC site, both by ground application and by air. This information is not included in the EIR report. There is also promising research on effective bioremediation methods which are not explored in the DEIR. I grew up on a prune ranch in Santa Clara and I know that my grandfather sprayed DDT during the 50's and 60's.

3) This Agricultural Research site was in an appropriate climate zone for the types of crops grown here and in recent years was also helping to research home garden characteristics appropriate for the South Bay Area. Other Agricultural Research centers in Salinas Valley or the Central valley are not adequate to provide correct growing information to farmers and consumers in the South Bay as their climate zones are not as temperate and are not influenced by the Bay breezes.

93-1

93-2

93-3

93-4

93-5

Thank you for considering these concerns regarding the Draft EIR for the
BAREC/Santa Clara Gardens project.

Respectfully and Sincerely,

Margaret Cabral

1727 Hanchett Ave.

San Jose, CA. 95128

LETTER 93

Margaret Cabrel
April 24, 2006

- 93-1** The commenter states some general criticisms of the DEIR. No response is necessary, because no specific issues related to the analysis in the DEIR were raised.
- 93-2** The commenter states that the DEIR does not give full attention to the site's history. The project's impact to historic resources was fully evaluated in conformance with Section 15064.5 of the State CEQA Guidelines and the results of this analysis presented in Section 4.11, "Cultural Resources," of the DEIR. As described therein, the DEIR concluded that the Project Site and its features are not eligible for listing on the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP) and that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document). Because no new evidence has been provided to support the commenter's statement, no further response can be provided. Please also refer to Master Response 5.
- 93-3** The commenter states that the DEIR analysis of chemicals on the BAREC site was inadequate. The commenter offers no evidence to support the statement that the analysis provided in the DEIR is inadequate. The DEIR provided a comprehensive evaluation of potential hazards at the Project Site consistent with the requirements of CEQA (refer to Section 4.10, "Hazards and Hazardous Materials," of the DEIR and Recirculated DEIR). As described therein, the extent of contamination at the Project Site has been fully characterized in accordance with site characterization protocol required by and approved by DTSC (see Appendix A of this document). This methodology is appropriate not only because of its approval or endorsement by DTSC, but also because it is widely used throughout California for the clean up of agricultural soils and is appropriately tailored to each project based on the specific site conditions encountered at each location. Please refer to Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents," for a discussion of the resources and data reviewed in preparation of the DEIR analysis.
- 93-4** The commenter states that the DEIR does not describe a range of reasonable alternatives for the site cleanup and suggests that bio-remediation be further examined. Please refer to Master Response 4 (see Section 3.4.4, "Use of Phytoremediation/Bioremediation to Remediate On-Site Soils").
- 93-5** The commenter states concern over the loss of prime agricultural land should the BAREC site have housing developed on it. The DEIR provided and evaluation the project's impact to farmland resources consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," of the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.

From: "GERALD PAZ" <gj paz2@hotmail.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 10:23AM
Subject: BAREC-17 acres of state owned land

Dear Ms Gloria Sciara,

I am emailing you to let you know I am against rezoning State owned agriculturally zone 17 acres located between Forest Ave. and Stevens Creek Blvd.

Santa Clara has always stood up for saving history. They have proven that, but stopping the increase of apartment building being built in the old area of Santa Clara, preserving the old historic homes. And you say how does that relate, well, I feel Santa Clara has always stood for progress without thinking how much they can gain monetarily. I realize building million dollar homes would be lots of money for the state and more for a developer, but at sometime in our lives we have to look at how this will profit the good and not just fill our pockets with money.

Without rezoning we can have a developer turn this into a farm which will profit the people around from the adults who could garden, the kids learning how to grow and take care of the land and even to feed people with the produce from the land. Wouldn't that be something we'd reclaim the land for agriculture instead of more wall to wall housing. You say we need housing, maybe but let's not kid ourselves million dollar homes aren't for the general public.

Our community is so special with its quiet and peaceful streets. Let's keep that atmosphere by letting this land work for the community and be a greenbelt in the midst of all the gray.

Thanks for your listening ear.

Sincerely,
Cathy Paz
846 Main St. Apt. 1
Santa Clara, Ca. 95050

94-1

Express yourself instantly with MSN Messenger! Download today - it's FREE!
<http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/>

LETTER 94

Cathy Paz
April 24, 2006

94-1 The commenter expresses opposition to the project and appears to suggest using the site for farming activities. The project's impacts to agricultural land/open space resources were evaluated consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," of the DEIR. In addition, the DEIR evaluated an alternative to the project that contemplates keeping the Project Site as open space (see Section 7.1, "No Project Alternative – Continuation of Existing Conditions"). As described in Section 7.8, "Environmentally Superior Alternative," of the DEIR, this alternative was identified to be environmentally superior to project; however, this alternative would not meet any objectives of the project including providing single-family and affordable senior housing to meet the City's housing shortfall.

From: tessa Woodmansee <tessaw@mindspring.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 9:29AM
Subject: BAREC EIR Comments

Dear Ms. Sciara,

This is Tessa and Cat Woodmansee. We are home owners and parents about 1 mile from Bay Areas Research and Extension Center (BAREC). We need open space in our valley that our children and many generations can have as our gift to the future.

Once we develop the land we lose our deep agricultural past and a place for families to come to learn and enjoy nature.

To have a local space like BAREC's 17 acres is a slice of our rich agricultural past and is a natural resource and could provide education and examples about ways we can preserve nature and this is very valuable to our community and our children. To have a place that is nearby to our urban core is also very important. We should not have to use tons of fossil fuel to bring our children into nature. To have a natural preserve within our city that families can walk or ride their bicycles to is a sustainable part of our community and is essential for our community's health and well being.

No development can replace this asset we are about to lose. The environmental impact of "paving paradise" is very great and must be stopped. We have pushed nature to the brink and we must stop. We as citizens deserve open space and need it for our species survival.

Thank you for using your power as city planners to represent the true needs of the people of your city and neighboring cities to better use our state resources to truly sustain our people and not just sell this land to developers.

Our true wealth is in preserving our environment and cities must take the leap to meet the demands of the Sierra Club and other cities of our country that are reversing the trend to make our cities greener. " All over America, cities, counties and states are launching an exciting grassroots movement to help solve one of our country's most pressing problems: global warming." Trees and nature help to reduce the carbon load of our industrial fossil fuel burning age.

The city of Santa Clara must become a leader for open space and preserving our environment. To be a "green city" preserving BAREC is taking the necessary steps to become a leader in the need to preserve and limit development that destroys our environment.

Providing a local nature preserve and educational garden is what will make Santa Clara a great city and improve their economy as we move to the brink of civilization..it will be those cities that stand up for preservation and quality of life that more people will want to come to visit and live. So even in terms of economics this is the right decision.

Thank you for taking our concerns to heart and acting to preserve the

95-1

17 acres as an agricultural zoned land and really represent our community and not the developers and their easy money...the greater benefit is our need to provide healthy living spaces for all citizens and providing open space is good for public health ..body, mind and soul.

Thank you,

Tessa and Cat Woodmansee

95-1
Cont'd

LETTER 95

Tessa and Cat Woodmansee

April 24, 2006

95-1

The comment provides commentary on the value of keeping the Project Site in open space. The project's impacts to agricultural land/open space resources were evaluated consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," of the DEIR. In addition, the DEIR evaluated an alternative to the project that contemplates keeping the Project Site as open space (see Section 7.1, "No Project Alternative – Continuation of Existing Conditions"). As described in Section 7.8, "Environmentally Superior Alternative," of the DEIR, this alternative was identified to be environmentally superior to project; however, this alternative would not meet any objectives of the project including providing single-family and affordable senior housing to meet the City's housing shortfall.

From: Cindy Russell <crussell@batnet.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 7:59AM
Subject: Save BAREC!

Dear Mz Sciara:

Please save BAREC, in the County of Santa Clara, from development. Urban sprawl has caused some catastrophic changes in our lifestyle that have led to a public health crisis. Sprawling neighborhoods have lead to sprawling waistlines here as well as in the rest of the nation. Smarter urban planning could alleviate some of the problems with our modern society such as lack of exercise, lack of a community center to gather to solve problems, fast food restaurants that are unhealthy for our bodies and the environment and inability to grow our own food. Most school kids don't know how food is grown or what is healthy to eat. We have lost our connection to nature living in the city. This has limited our understanding of nature and how to preserve it.

Protecting and preserving every meter of open space is hard work but is vitally important in our cities. Open space serves as a testament to our historical roots, a serene place to walk and clear your mind in a crowded city and can serve as an educational center to learn about how to nurture the soil and ourselves. We have overdeveloped our land with population pressures and economic interests. It is now time for the County to build up and not out. Please put an urban growth boundary around BAREC for our children and for their children's children. We cannot take it back once developed. Is it the best use of land for one individual to make a short term profit or for the entire health of the community to benefit?

Respectfully,
Cindy Russell, M.D.

96-1

LETTER 96

Cindy Russel
April 24, 2006

96-1 The commenter provides commentary on why the Project Site should be preserved as open space. The project's impacts to agricultural land/open space resources were evaluated consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," of the DEIR. In addition, the DEIR evaluated an alternative to the project that contemplates keeping the Project Site as open space (see Section 7.1, "No Project Alternative – Continuation of Existing Conditions"). As described in Section 7.8, "Environmentally Superior Alternative," of the DEIR, this alternative was identified to be environmentally superior to project; however, this alternative would not meet any objectives of the project including providing single-family and affordable senior housing to meet the City's housing shortfall.

From: "kohei kawabe" <LittlePeA@kdd.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 4:49PM
Subject: Please save the last open-space in the City

Hi my name is Kohei Kawabe from the City of Cupertino.
I do not want the Santa Clara Garden Project to be approved because
it would have several significant environmental impacts against the environment;
such as aesthetic, water quality, drainage system, and so on.
I also do not want the City of Santa Clara to change its zoning because
I want to preserve the last Prime Farmland of the Santa Clara.

sincerely,

Kohei Kawabe
7852 LILY CT.
CUPERTINO, CA 95014

CC: <info@savebarec.org>

97-1

LETTER 97

Kohei Kawabe
April 24, 2006

97-1

The commenter expresses opposition to the project and states that the project would result in several significant environmental impacts. The commenter also states that prime farmland should be preserved. The project's impacts to farmland resources were evaluated in consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.

From: "SaveBAREC" <info@savebarec.org>
To: "Gloria Sciara" <GSciara@ci.santa-clara.ca.us>
Date: 4/24/06 7:58PM
Subject: FW: Save farm land!

This was sent to the wrong address. Please allow it as part of public record.

Thanks.

-----Original Message-----

From: Elaine Boiko [mailto:emb1217@sbcglobal.net]
Sent: Monday, April 24, 2006 9:22 AM
To: qsciara@ci.santa-clara.ca.us
Cc: info@savebarec.org
Subject: Save farm land!

Hello,

I do not want the Santa Clara Gardens approved and I do not want the City of Santa Clara to change the zoning because I want to preserve the last of Santa Clara's prime farmland.

I have attended activities at the sight, such as the tomato and pepper tasting days and it was like stepping back 50 years. It was an awesome feeling to step through the gates, leave the traffic, the shopping centers and feel like I was out in "the country". Please preserve the sight for futures generations to enjoy as I have.

Thank you for your effort,

Elaine Boiko
2160 Harrison St.
Santa Clara , 95050
408 985 7049

98-1

LETTER 98

Elaine Boiko
April 24, 2006

98-1 The commenter expresses opposition to the project because of significant impacts to visual resources, water quality, and drainage and states that prime farmland should be preserved. The project's impacts to farmland resources, visual resources, and water quality were evaluated in consistent with the requirements of CEQA in Sections 4.1, "Land Use and Agricultural Resources," 4.2, "Visual Resources," and 4.8, "Hydrology and Water Quality," in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible. Impacts to visual resources and local water quality were determined to be less than significant and less than significant with mitigation, respectively.

From: "Jay Orlando" <GoWithAPro@earthlink.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 4:51PM
Subject: BAREC Development

Jay Orlando
2138 Redbush Terrace
San Jose, CA 95128
408.985.7109

City of Santa Clara
C/O Gloria Sciara
AICP, PM
1500 Warburton Ave.
Santa Clara, CA 95050

Dear Gloria:

My name is Jay Orlando and I am a resident of the Cory neighborhood. I have served as the traffic coordinator for the Cory Neighborhood Association for the past two years. Over this period I have become very sensitive to the ebb and flow of traffic in and around our neighborhood, which borders the BAREC proposal. It still amazes me Santana Row was built and Westfield renovated without any changes in freeway access for the area. Adding the new residences in addition to the retirement community will completely shut down an already congested area. The Winchester/Stevens Creek intersection is already listed as one of the worst intersections in the South Bay. How is the additional traffic for the operations of the retirement home and from the new homeowners going to get to and from the freeway accesses? This needs to be seriously considered because the current route takes many commuters through our neighborhood. It is hard to believe future residents will want to brave the long waits through the intersection of Stevens Creek and Winchester when they can race through a residential neighborhood.

99-1

Redbush Terrace, an exceptionally narrow street, is the first street available for a left hand turn off Washington Ave heading north (880 and N. Bascom). As such it is subject to traffic traveling at over 35 mph for at least 5% of all vehicles (monitoring by the City of San Jose). Two of my neighbors have had their rearview mirrors torn off their vehicles parked on the street in the last six months from the maneuverings of oncoming traffic. These streets are not safe because surrounding neighborhood traffic uses them as an alternative route for freeway access to avoid the Stevens Creek/Winchester intersection. Increasing the number of vehicles and operations in surrounding neighborhoods will compound our problem. This is exactly what BAREC proposes to do.

99-2

I understand the freeway accesses and interchanges for 280 and 880 are to be revamped over the next several years, but that will not alleviate the traffic at Steven Creek and Winchester. Any additional traffic is going to exacerbate the existing problem and cause additional hazards in the Cory neighborhood. These issues need to be seriously considered and

99-3

appropriately mitigated when deciding the designated use of the space.

Sincerely,

Jay Orlando

99-3
Cont'd

LETTER 99

Jay Orlando
April 24, 2006

- 99-1** The commenter expresses concern regarding the project's potential traffic impacts and asks how traffic from the project would access the freeways. Section 4.10, "Transportation and Circulation," in the DEIR and Recirculated DEIR includes a comprehensive evaluation of the project's traffic impacts including modeling that assesses the potential impacts to nearby intersections, roadway segments, and freeway interchanges. As described in Section 4.10.2, "Environmental Impacts" (page 4-103 of the DEIR) under "Methodology," the volume of traffic associated with the project was estimated and was assigned to specific street segments and intersection turning movements. The analysis then determined how these additional trips would affect the overall operation of the surrounding roadway network. As described in Impact 4.10-4, "Freeway Impacts," the project would result in a less than 1% increase in traffic volumes for existing freeway facilities and would not exceed any adopted thresholds. As a result, the project would not result in any substantial delays or cause the exacerbation of existing delays at surrounding intersections. The traffic modeling presented in the DEIR provides an estimate of the traffic that would be generated and the impacts that would occur as a result of the project. Further, it is the best information available to evaluate traffic impacts and is consistent with the methodology used by the City of Santa Clara, City of San Jose, County of Santa Clara, and Caltrans to evaluate the transportation impacts of a project.
- 99-2** The commenter states that the project's increased traffic will exacerbate traffic problems on surrounding neighborhood streets. Section 4.10, "Transportation and Circulation," provides a detailed analysis of potential traffic impacts to the surrounding neighborhood (see Impact 4.10-9 of the DEIR or Recirculated DEIR). A detailed neighborhood street impact analysis is also provided in Appendix K. As described therein, the project would not cause any of the study area street segments to exceed their total volume threshold. As such, no significant impacts would occur.
- 99-3** The commenter reiterates that traffic needs to be properly analyzed. The project's impacts to farmland/open space resources were evaluated consistent with the requirements of CEQA and local transportation agency requirements in Section 4.10, "Transportation and Circulation," in the DEIR. Because no specific issues pertaining to the DEIR analysis were identified, no further response can be provided.

From: Jonathan Kroeker <kroekerjonathan@yahoo.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 4:01PM
Subject: Santa Clara Gardens Project

To whomever this may concern,

I do not want the Santa Clara Gardens project to be approved. I also do not want the City of Santa Clara to change the zoning because I believe it is more important to preserve the last of Santa Clara's Prime Farmland.

Jonathan Kroeker

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

CC: <info@savebarec.org>

100-1

LETTER 100

Jonathan Kroeker

April 24, 2006

100-1

The commenter expresses opposition to the project and states that prime farmland should be preserved. The project's impacts to farmland resources were evaluated in consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.

From: <samccray@aol.com>
To: <GSciara@ci.santa-clara.ca.us>
Date: 4/24/06 4:06PM
Subject: BAREC

-----Original Message-----

From: Dede 0220
To: csciara@ci.santa-clara.ca.us
Cc: Samccray; Dede 0220
Sent: Sun, 23 Apr 2006 11:41:42 PM Eastern Daylight Time
Subject: BAREC

The many Master Gardeners who participated in the research at Barec benefited from this which had a ripple effect to also benefit the home gardeners of California based on UC researched practices. I would never have believed until it was proved that blueberries would flourish in our state. We spread the word about the UC involvement in resident's lives. Seems a pity that this is not recognized because our work was done quietly without a lot of politicking. Dorothy Doemus

101-1

LETTER 101

Dorothy Doemus
April 24, 2006

- 101-1** The commenter expresses disappointment that agricultural research conducted at the site has not been recognized. With regard to the importance of the site for home gardening practices, please refer to response to comment 73-22. Please also refer to Master Response 5, Section 3.5.1, “Methodology Used In Preparation of the Cultural EIR Analysis,” for a discussion of the extensive resources that were reviewed in preparation of the analysis.

From: "Hyams, Michael" <michael.hyams@hp.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 4:07PM
Subject: Correspondence in opposition to the "Santa Clara Gardens" Project

Ms Sciara

I write you in care of the City of Santa Clara, in order to register my opposition to the planned development known as "Santa Clara Gardens Project". A planned development that would unfortunately exploit some of the precious few open acres we have left in the city of Santa Clara. My opposition to the subject plan is for the following reasons:

102-1

* As a Santa Clara resident, I can attest that Santa Clara has an obvious shortage of open space for its citizens (parks community gardens, sport fields, etc) When the precious little open space the City has left is developed after being transferred into private hands. It becomes permanently unavailable as open space.

102-2

* The intersection of Winchester and Steven Creek Blvd has experienced increased automobile traffic and over densified development in recent years.

102-3

* I object to the way our City and State representatives have maneuvered this 17 acres of Public land belonging to the citizens of California, into the hands of private developers. A decision to partake in a transfer of property and develop Public land, needs to be brought to the people, possibly as a ballot issue

102-4

* Redevelopment money for senior citizen housing would be better spent on small projects like the Martins bar property on Warburton and Main Streets. That neighborhood expressly wants Senior housing whereas the present residents near the subject 17 acres at Winchester and Forest do not. I prefer smaller senior developments integrated into R1 single family zoning, I feel the seniors would prefer that as well.

102-5

If there questions in regards to my correspondence, please feel free to reply to my e-mail address below. Gloria, thank you for your time and attention to this civic matter.

Sincerely,

Michael Hyams
1795 Main Street
Santa Clara, Ca
95050

michael.hyams@hp.com

CC: <info@savebarec.org>, "Hyams, Michael" <michael.hyams@hp.com>

LETTER 102

Michael Hyams

April 24, 2006

- 102-1** The commenter expresses opposition to the project. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 102-2** The commenter states that the City has a shortage of open space. The commenter has offered no evidence to support the statement that the City has a shortage of open space. The City offers an extensive network of park and open space facilities consistent with adopted General Plan policies for development of such facilities. The City currently has over 457 acres of designated open space, 277 acres of municipal parks, and 39 acres of playgrounds. The project's impacts to farmland/open space resources were evaluated consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," in the DEIR. Because no specific issues pertaining to the DEIR analysis were identified, no further response can be provided.
- 102-3** The commenter states that the intersection of Winchester Boulevard and Stevens Creek Boulevard has experienced increased traffic in the past few years. The City acknowledges that traffic volumes within the local area can fluctuate. The project's traffic impacts were evaluated consistent with the requirements of CEQA in Section 4.10, "Transportation and Circulation," in the DEIR and Recirculated DEIR. The analysis provided therein, based the project's impacts on project trips added to existing traffic volumes measured in June 2006. As such, the analysis appropriately reflects the project's impacts or contribution to impacts on the current roadway system.
- 102-4** The commenter objects to the State selling the property to private developers and recommends that the transfer of land be decided through a ballot initiative. Because no specific issues pertaining to the DEIR analysis were identified, no response can be provided.
- 102-5** The commenter states that money for senior housing would be better spent on other local projects and expresses preference for integrating smaller senior developments with land zoned for R1 single family. Because no specific issues pertaining to the DEIR analysis were identified, no response can be provided.

From: Chris Mendible <mendible@pacbell.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 11:18AM
Subject: BAREC Draft EIR Comments

Ms. Sciara,

I am a resident on Pineview Drive in close proximity to the BAREC property. The preliminary results of the EIR are of extreme concern to me. The property seems to have many "hot" spots of contamination the most significant ones are those closest to my residence. As you may already know, we have had an extremely high incidence of cancer in our neighborhood. Every precaution needs to be taken for the health of families in the area. I have three children who have lived here since they were born. I cannot help but wonder if they too will have cancer as a result of our location.

I am not a scientist, but I believe that the EIR as presented is a preliminary report. It needs to have more studies on other chemicals in the area and further measurements taken. One hot spot closest to my residence was taken with only a few readings. How extensive is this spot? It would appear that the most conservative method of removal (bioremediation) is not even a consideration. The state seems to be taking shortcuts rather than taking every precaution to protect its citizens. The health of today's families and future residents of the property are at stake. I urge the committee to make recommendations as if this were in their backyard and their children were playing in the area!

Chris Mendible
641 Pineview Drive
San Jose, CA

103-1

LETTER 103

Chris Mendible

April 24, 2006

103-1

The commenter expresses concern regarding potential contaminated soils on the Project Site in proximity to his residence. While no specific comments on the specific analysis presented DEIR or Recirculated DEIR were raised, the commenter raises an issue that is of common concern to many residents. The project's hazards and hazardous materials impacts were thoroughly evaluated in Section 4.6, "Hazards and Hazardous Materials," of the Recirculated DEIR. Impacts related to soil contamination and the measures that would be implemented as part of the remediation activities are described on page 4-1 and further clarified in Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents."

From: "Angela D'Orfani" <adorfani@pacbell.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 11:32AM
Subject: BAREC draft EIR comment

Ms. Sciara,

The following is information I would like to be included in public comments on the draft EIR for the property at 90 N. Winchester Blvd.

The draft EIR states that the property is contaminated with dieldrin. The State knows airborne dieldrin can cause cancer. Your EIR shows that most of this dieldrin is in the top 6 inches of the soil. Yet, for the past three years the State continues to disk the soil to keep the weeds down thus placing the dieldrin in the air and causing future health problems to the neighborhood. With this attitude how can we trust any recommendation the State has?

104-1

According to the draft EIR dieldrin is found at levels above what the EPA allows and yet, the draft EIR has decided to "average out", spreading it around and once again sending it into the air, two of these dieldrin "hot spots" and only remove one of them. I would hate to be a senior or have a child living on this land in these homes, it is bad enough having two young children and living within 200 feet of the land. You can be sure our neighborhood will tell future owners of the negligence we have seen by the State, by the City, and by this EIR.

104-2

Why did the EIR and RAW (Removal Action Workplan) not use the research projects in listing the chemicals used on the RAW list? This was a research site and especially in the 1950s and 1960s there were all kinds of new chemicals to experiment with. You should be listing all chemicals that BAREC used in research projects from 1928 until 2003, the entire time the station was in operation, not just the last 20 years. By eliminating this information it is almost certain that you have not made the appropriate tests for the site. This is a major flaw in the EIR report. It is a sure sign of inaccuracy and incompleteness in the EIR.

104-

I have begun an informal, voluntary survey of only LONG TERM residents in the neighborhood surrounding the BAREC property. My survey is by no means exhaustive and is still ongoing. I have identified 17 cases of breast cancer, 3 cases of reproductive cancer and 23 cases of other cancers in the approximately 200 homes I have surveyed so far, my goal is to include information on homes within 1000 feet of the property.

104-4

The Northern California Cancer Center has done an assessment on breast cancer incidences in the two census tracts that surround the BAREC property, tracts 5058 and 5059, the boundaries of these tracts extend up to 3/4 mile away from the site. In reviewing the results of the NCCC assessment for the years 1998-2002 I see that they show 52 cases of breast cancer in the 6000 women living in the area during those years. My survey shows that 6 of those cases were in the my survey area, incidentally they were all within 500 feet of the property. This is 11.5% of the cases from 6000 women seen in 200 homes, if the cases were evenly distributed in the population each of these homes would have to have 3.5 women living in them at the time of the assessment. This is the most refined assessment that the NCCC can do due to privacy issues. The NCCC can not account for long-term versus more recent residents, nor track the incidence of breast cancer in those who lived in the neighborhood for many years and have since moved out of the area, and can not target a specific neighborhood. My survey did account for all of these factors.

104-5

Why did the EIR and RAW not consider bioremediation as a means to clean up the soil? It is safer and cleans up the problems more thoroughly. The neighborhood would feel much safer if you considered this alternative. For all the damages the State has done to the people's health who live in this neighborhood you could at least do something right for us so that these chemicals would not continue in our soils as well as in BAREC's soil. The process would also help show us how to clean up the chemicals you have placed in all the garden soil around BAREC. What are you planning to do to clean up the garden soils around BAREC's edge? This was not mentioned in the EIR.

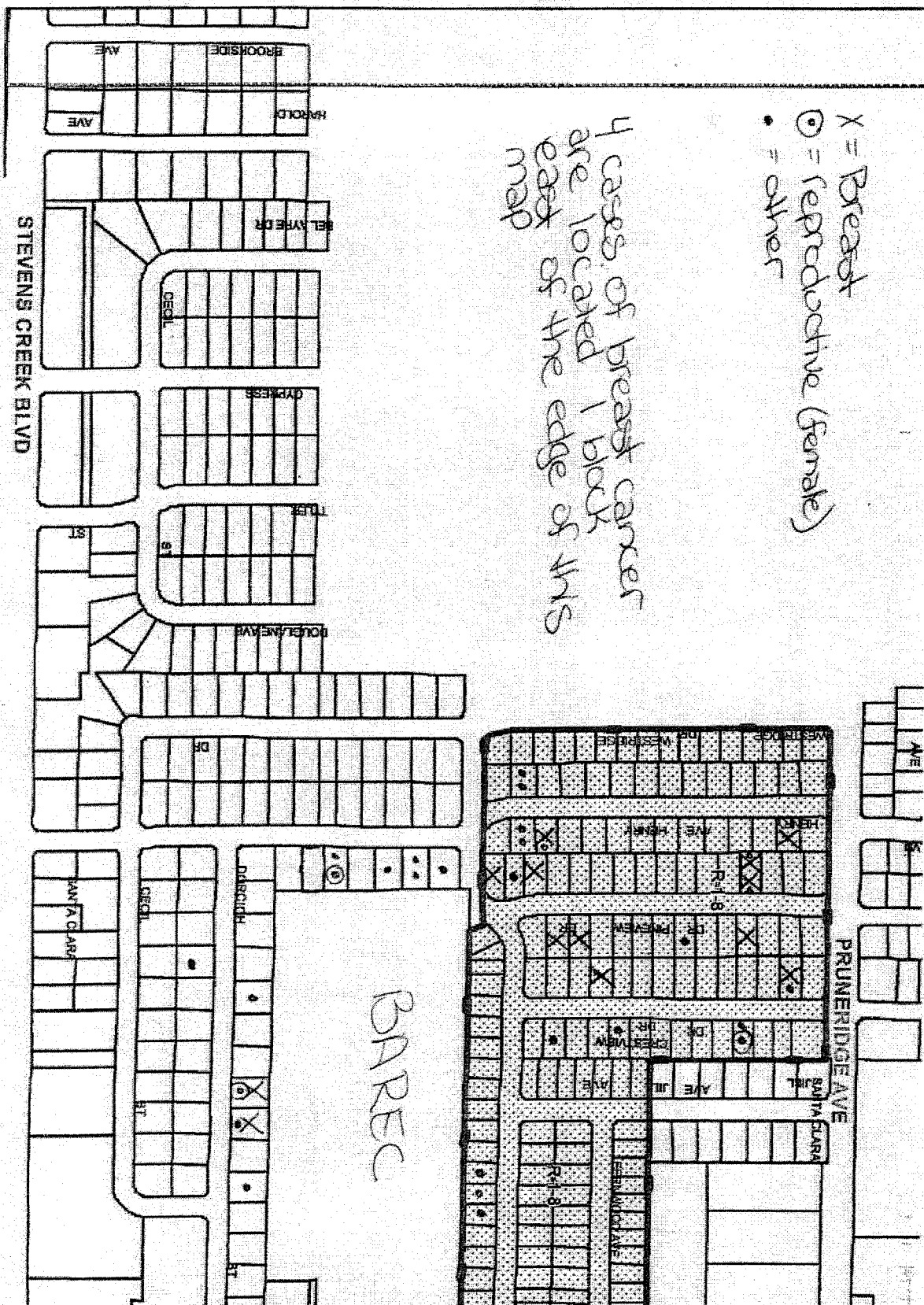
104-6

104-7

Attached you will find the results of the survey to date including a map indicating the location of various cancers and a 2-sheet excel spread sheet with more detailed information.

104-8

Sincerely,
Angela D'Orfani
535 Pineview Dr
San Jose, CA 95117



Cancer Type	Number of Cases
Breast	17
Ovarian	3
Prostate	5
Colon	4
Liver	1
Kidney	1
Lung	4
Non-Hodgkins	
Lymphoma	3
Melenoma	4

168 homes in the boundaries included, not all homes surveyed due to recent homeownership
total cases 42

LETTER 104

Angela D'Orfani

April 24, 2006

- 104-1** This commenter expresses concern that the Project Site is contaminated with dieldrin and the State has disked the soil to control weeds, which releases dieldrin into the air. The point about past disking activity is not related to the review of the Proposed Project. Regarding contamination at the Project Site and potential health risks associated with remediation activities, please refer to Master Response 4, Section 3.4.2, "Potential Health Impacts of Remediation Activities, Including Airborne Dispersal."
- 104-2** The commenter suggests that the project would result in the spreading of dieldrin across the site and releasing it in the air. The project includes implementation of a Removal Action Workplan (RAW), which identifies the measures that would be implemented to remove contaminated soils from the Project Site consistent with the requirements of the Department of Toxic Substances Control (DTSC). All contaminated soils that exceed the DTSC's preliminary remediation goals (PRGs) would be removed from the Project Site. None of these soils would be spread throughout the Project Site. The RAW also includes extensive dust control measures including air monitoring to ensure that nearby residents are not exposed to airborne contaminants during site remediation activities. Please refer to Master Response 4, Section 3.4.2, "Potential Health Impacts of Remediation Activities, Including Airborne Dispersal."
- 104-3** This commenter suggests that the DEIR did not consider chemicals that were used during past research activities that occurred from 1928 to 2003. During preparation of the Site Characterization Report (Appendix E of the DEIR) former employees at the Project Site were interviewed and available records were searched to identify the past chemicals that were used on the Project Site. Detailed records of research activities at the Project Site (including the chemicals used at the site) were available starting in 1978. Based on the result of this research, approximately 90 chemicals were known to be used on the Project Site. The characteristics of these known chemicals were considered when identifying the soil sampling program to characterize the Project Site. Please refer to response to comment 8-4 and Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents."
- 104-4** The commenter states that she has begun an informal questionnaire of local residents about the incidence of cancer. No response is necessary, because no questions or new information on the environmental analysis were provided.
- 104-5** The commenter provides information on a survey conducted by the Northern California Cancer Center in the census tracts that surround the BAREC property. The commenter summarizes data from an informal compilation of cancer incidence in the neighborhood. The comment appears to be directed at the concern that cancer risk in the neighborhood is elevated. The comment also appears to cite pesticide or other chemical usage at BAREC as a potential cause of elevated cancer risk. The methods used to compile this data are not known, nor is it known whether this data demonstrates the existence of elevated cancer risk. Therefore, no further response can be provided.

- 104-6** This commenter questions why the Project Site did not consider bioremediation. Please refer to Master Response 4, Section 3.4.4, “Use of Phytoremediation/Bioremediation to Remediate On-Site Soils,” for a discussion of the feasibility of bioremediation.
- 104-7** The commenter asks what will be done to clean up soils around the property edge. As described in Chapter 3.0, “Project Description,” and in the RAW, DGS would remove all contaminated soils from the Project Site (including soils that are contaminated at the property edge) and would allow for unrestricted residential use levels.
- 104-8** The commenter includes the results of a cancer survey she conducted in the vicinity of the Project Site. No response is necessary, because no questions or new information on the environmental analysis were provided.

From: Rolf Jacobs <rolfjacobs@earthlink.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 7:41AM
Subject: SaveBAREC

Ms. Sciara:

I urge you to not allow the proposed development of the old UC property on Winchester. This property is too valuable an asset for both Santa Clara and the entire South Bay to see it covered with housing.

I am a landscape contractor and have personally benefited from the horticultural research that was done here. So has anyone else in Northern California who does any kind of gardening. Given our soil and climate, where else can this work be replicated? Nowhere.

I am in total favor of increasing the supply of housing in Santa Clara and feel it should be done via higher densities and mixed-use development. This is a far more intelligent use of our land than to cover a priceless asset such as this property with more single-family homes.

Please find a way to keep this property in productive use without covering it with homes. Agricultural/horticultural research and food production are ways to maintain this property in an undeveloped state yet still provide benefits for everyone.

Thank you.

Rolf Jacobs
1194 Lexington St.
Santa Clara, CA 95050
(408) 243-5001

105-1

LETTER 105

Rolf Jacobs
April 24, 2006

105-1 The commenter expresses opposition to the project and requests that the area be preserved as farmland. The project's impacts to farmland resources were evaluated consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.

From: <aliciaeicher@aol.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 6:45AM
Subject: Regarding: Garden Farm Project!

Please preserve the farmland in Santa Clara for our future generations to enjoy ! If we allow this land to be lost to developers, it will be lost forever. Please do not let this happen. Our children would like it to enjoy seeing how history evolved.

Alicia L. Eicher

106-1

LETTER 106

Alicia Eicher
April 24, 2006

106-1 The commenter states that the Project Site should be preserved as farmland for future generations. The project's impacts to farmland resources were evaluated in consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.

From: "Kirk Vartan (kvartan)" <kvartan@cisco.com>
To: "Gloria Sciara" <GSciara@ci.santa-clara.ca.us>
Date: 4/24/06 4:51PM
Subject: BAREC (Santa Clara Gardens) Draft EIR comments

Gloria Sciara

Project Manager

City of Santa Clara

Planning Division

1500 Civic Center Drive

Santa Clara, CA 95050

RE: BAREC (proposed Santa Clara Gardens) Draft EIR comments

Dear Ms. Sciara,

I am writing this letter to express my deep concern for the quality and integrity of the current Draft EIR that has been created by EDAW. It is clear to me that they are under the direction of the State agencies and have not provided a complete and well rounded view on the conditions and impacts for a project of this sort. The most disturbing things I have seen in this document is the clear lack of alternative solutions, other than the development proposed by the City of Santa Clara and SummerHill Homes. An Environmental Impact Report is supposed to provide an objective view of the current conditions as well as any and ALL impacts and alternatives to the land at hand. Also, the title the developer picked for this project is a joke and insulting: Santa Clara Gardens. And what "gardens" are they exactly referring to? Oh, I know, the gardens that are going to be destroyed will be remembers by the name or it is trying to deceive the public into thinking that a garden type development will occur. By turning a 17 acre piece of public agriculture land in to one acre public park is laughable. The City of Santa Clara should not even allow a name as deceiving as Santa Clara Garden be used in a non-garden proposal. It is deceptive and downright wrong. People who know nothing about the project will think that a garden is being created when it is the polar opposite.

107-1

107-2

There are so many issues with the report, that I will simply start in and talk about the first and most obvious one: destruction of prime farmland. The Draft EIR makes many references to the fact that this land is Prime Farmland. Specifically, page 4-6, states: "Therefore, for the purposes of this analysis the entire site is considered Prime Farmland." Based on this statement and the ones that lead up to it, the entire 17 acre plot of land is Prime Farmland, the highest designation for farmland based on what the California Department of Conservation (CDC) defines in the Farmland Mapping and Monitoring Program (FMMP). Of the four types of farmland (Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance (CDC 2001), Prime Farmland is the most desirable for farming. These designations are based on "a particular set of criteria related primarily to soil type and the availability of water" (page 4-5 in the Draft EIR). The BAREC 17 acres is classified as Prime Farmland. To be clear, Prime Farmland is defined on page 4-5:

107-3

Prime Farmland is defined by CDC as "the best combination of physical and chemical features to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields" (CDC 2001).

107-3
Cont'd

In section 7.3 on page 7-5, the section No Project Alternative - Current Zoning makes a number of claims that are not only misleading, they are simply false. For example, it states:

Further, because the site is completely surrounded by urban development, the establishment of a ranch or dairy would be unlikely because of conflicting adjacent land uses, and would require additional approvals from the City. Therefore, this alternative assumes that the site would be developed with active farming, nursery, and greenhouse uses. It is likely that new structures would be constructed under this alternative to support proposed uses, and that heavy equipment (e.g., tractors, plows, forklifts) would be used as part of site operations. In the event the State sought to develop the site with other uses, the State would first be required to comply with CEQA for any new proposal. Because the project site would not be sold to private developers, funding would not be available for the clean up of contaminated soils on the site.

107-4

These statements are just plain silly. It is stating that since it is not being used for this particular private development, that all the existing problems of soil clean-up could not be funded and the site would remain contaminated. Further, it is stating that any type of farming is unlikely. What is this based on? What data have you gathered as to who or what entities could utilize this land as an active public farm? I know the SaveBAREC grass roots organization has approached at least three different non-profit organizations that would do just this...turn it into a working farm. This also includes the citizens of Santa Clara. So why would you think the City of Santa Clara would not want to make this into a working farm if that is what the citizens wanted...and something that would not cost the City millions of dollars. Why would you make these claims? They are simply ignorant.

In section 7.3.1 - Environmental Analysis, subsection Land Use (still under a No Project Alternative), it states:

This alternative would eliminate the project's significant and unavoidable prime farmland impact as the project site would continue to be used for agricultural operations.

107-5

Meaning, that non proceeding with the proposed project and going with an agriculturally based one allows for the perseverance of one of California's most valuable resources: Prime Farmland.

In Section 6, Other CEQA-Mandated Sections, sub-Section 6.1, many "Significant Unavoidable Impacts" exist. The one that cannot be hidden in rhetoric or the thousands of pages is this simple fact listed on page 6-1:

"Impact 4.1.2: Conversion of Farmland to Non-Agricultural Use. The project would involve development of Prime Farmland and Farmland of Statewide Importance with residential land uses. Conversion of farmland to urban uses would be a significant impact.

107-5
Cont'd

No feasible mitigation is available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses."

Again, to be clear, while this statement tries to minimize the significance of this UNAVOIDABLE AND UNMITIGATABLE IMPACT by saying that there are two kinds of land, this same document already stated in two sections earlier (page 4-6) that the entire plot of land is Prime Farmland. So, what this impact means is that 17 acres of Prime Farmland will be destroyed, never to return. Period. No maybes or it could be found somewhere else; it says "No feasible mitigation is available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses." Meaning, once it is gone, it is gone forever. This is something that our future generations will notice. Think a bit further than the next 5-10 years or 5-10 political elections....think about the next 5-10 generations or 50 generations. Will generic housing on Prime Farmland be the biggest concern or will the actual Prime Farmland be needed? We all know this discussion has gone on for a few years now, but let's not rush things. Sure, three years may seem like a lot, but not in terms of 300 years or more. Our country is only 200 years in terms of what we have done with it. We are seeing all kinds of problems with the way we develop land and communities. Why not take a bit more time and invest some energy into exploring ALL the alternatives. The purpose for public land is to serve the public. Have you examined all the alternatives as to how the public can best benefit from this land? Have you looked more than 5-10 years out? If so, what conclusions have you drawn? What rational and justification have you provided that shows that housing on this last piece of Prime Farmland in Santa Clara is better for the long term growth of the community? If you do not have this data, why not? You owe it to the public to do this kind of due diligence in making a permanent decision such as this. Look at how much effort you are putting into the Police and Fire Fighter's Binding Arbitration decision. That is a Charter Change and deserves a lot of attention. However, in reality, Charters can be amended time and time again. If you change the zoning of this land and allow for ANY form of housing on this land that is residential in nature (i.e., senior housing and private developer housing), you will be making a decision that can NEVER be changed. The decision is final. Don't you think that deserves more careful thought and exploration. Why rush it? SO what if it take another six months or a year, in the big picture, that is almost unnoticeable...except to the private developers that want to make \$50M+ on the housing deal. And don't use the excuse of needing the tax revenue, because we have heard "The City [Santa Clara] loses money with housing as it is costly to maintain it" directly from the Santa Clara Director of Planning, Geoffrey Goodfellow, at the Neighborhood Outreach Meeting on January 15, 2003. This was further confirmed by Terry Trumbull on the October 21, 2004 Comcast TV show "Environmental Concerns," where Mayor Mahan was also present, when he stated: "Housing is a dead bang looser for income. In the United States we have gone from 5th to 48th in the most efficient use of our tax money. We have the highest unemployment in this country. The average person in Santa Clara Valley travels 35 miles one way to work each day."

107-6

Further, I suggest you change the General Plan to be inline with the current zoning of Agriculture and make the General Plan show that this land is to be designated for agriculture.

107-7

Continuing on with Section 6 under Cumulative Impacts - Agriculture Resources (page 6-3), it states:

107-8

The project would develop approximately 17 acres of Prime Farmland and Farmland of Statewide Importance for which there are no feasible mitigation measures to reduce this impact to a less-than-significant level. This would be a significant and unavoidable cumulative impact.

In section 5.2, the report also states:

The project would convert approximately 17 acres of prime farmland and farmland of statewide importance to urban uses. No other farmland resources are located within the City of Santa Clara and the City has no adopted policies that protect or preserve farmland resources.

Again, showing that once the land is gone, there is NO WAY TO REGAIN IT. And just because the city does not have an current policies to "protect or preserve farmland resources" doesn't mean it shouldn't or it won't in the future.

In section 5.2, under the Cumulative Impact Analysis, the section entitled Land Use and Agricultural Resources states something that is frankly laughable and written by someone that is clearly not from the area. It states:

Development of the project would not substantially change the development intensity of the area or overall land use patterns.

The housing proposed increased the density 2-5 times. To say there is no change is insulting. How you came up with this information is a joke. Have you actually looked at the area? I have included a document that you can refer to that shows all the direct surrounding houses and the vast majority of them are single story homes. Most of the four homes that are not one story, all but one are above garage add-ons. You are really suggesting that 37 foot 2 ½ story houses are roughly equivalent to the surrounding neighborhood? Come on, just walk around and get your nose out the legal texts and just look. The structures being suggested in this project are not even in the same ballpark. Stop kidding yourselves and stop trying to deceive the public.

I also looked at the traffic measures and you mention that the Stevens Creek Blvd/Winchester Blvd. intersection would not have any significant traffic or pollution impact. That is just a complete lie. Ask anyone that even tries to maneuver that area during any holiday or semi-holiday and you will see any additional density in housing will just exacerbate the problem. The traffic analysis you performed...the three days in August even before all the schools opened is just not acceptable to measure traffic impact in this area. You can't just take three days in a row and extrapolate the data for an entire year. Even adding the prior traffic analysis (that was done the exact same way), you are not getting a realistic picture of what takes place ALL YEAR ROUND. Stop hiding behind the technical minimums that need to be done to rush a project through (yes rush).

107-8
Cont'd

107-9

107-10

The next section I want to bring you attention to is the one under Impact Analysis. The claims made in Impact 4.1-2 on page 4-7 is so far off base, so incorrect, and so ignorant that the entire Draft EIR should be redone by another agency. It clearly shows that EDAW does not have the capacity to comprehend what Prime Farmland is and how it can be effectively used in an agricultural way. The purpose for EDAW's report and the Draft EIR in general is to capture all the facts about the land and to outline all possible alternatives that that land can be used for. Since the State owns the land and the State's consultants contracted with EDAW, it is clear that EDAW cannot do an objective job. This entire Draft EIR is slanted with the idea of housing development. It is not EDAW's job to determine the best use of the land...it is their job to outline all facets of the proposed project and then do a COMPLETE analysis on the alternatives. This section clearly shows they are not objective and cannot perform this job. Again, the only democratic and ethical thing to do is to contract with another group to perform an EIR. The fact that this is now needed should NOT persuade you from requiring it. It is not the City of Santa Clara's responsibility that the State's consultants contracted with someone not capable of doing a thorough job. Further, since tax payers are footing the bill that EDAW is obviously giving the State, how much has been spent to date? When this question was asked on the October 3, 2005 Scoping meeting, the City Staff and the EDAW consultants thought it was a big joke and no one knew, but one person stated that "they never saw an EIR go for less than \$1 Million." Well, here we are over seven months later and over 1,000 pages later, so I ask again, how much has been spent on the EIR to date? How much is budgeted for this? What are the parameters for delivering a quality document? What if the consultant (i.e., EDAW) does not deliver? What are the consequences? Who is responsible and who is accountable for this? What is the timeline they were give to do this job and how much has been completed? Are they over budget or under budget? Where is the money coming from to pay for it?

107-11

107-12

Anyway, on to the single item I was referring to that shows the level of competence (or lack there of) that EDAW has with this type of property. On page 4-7, Impact 4.1-2, it states:

Conversion of Farmland to Non-Agricultural Use. The project would involve development of Prime Farmland and Farmland of Statewide Importance with residential land uses. Conversion of farmland to urban uses would be a significant impact.

The CDC classifies the site as Prime Farmland and Farmland of Statewide Importance. Remnants of fruit orchards are found on the site. No other important Farmlands or agricultural lands are located in the project vicinity and the city has no adopted policies for protection of farmland resources. Agricultural operations at the site ceased in January 2003. Although the project site is not in active agricultural production, the project site is still considered to be a farmland resource because of the presence of suitable soils; however, it likely that this parcel would not be economically feasible to farm because of its proximity to urban development and the limited size of the site.

107-13

I want to point out the fact that it states: "Although the project site is not in active agricultural production, the project site is still considered to be a farmland resource because of the presence of suitable soils." Again, this continues to confirm that this is classified as Prime Farmland.

Now onto the second half of that statement that shows the lack of research (they never talked to ANYONE at the SaveBAREC group nor any other urban farmer) and lack of understanding on how a community can utilize agriculture. They state: "...however, it likely that this parcel would not be economically feasible to farm because of its proximity to urban development and the limited size of the site." Let me break this into two parts. First, it is saying that a farm is not feasible in an urban developed area, and second, that the

site is too small for anything significant.

The first part talks about the fact that you can't have a farm in an urban environment. There are many obvious examples of this, ranging from Community Supported Agriculture (CSAs) plots all over the county (including areas in NYC that are measured in 1,000s of square feet, to the more relevant examples of what US Santa Cruz has done with their Center for Agroecology and Sustainable Food Systems (CASFS) (<http://zzyx.ucsc.edu/casfs/index.html> <<http://zzyx.ucsc.edu/casfs/index.html>>). I have included an example of this as the SaveBAREC group used this as a model for how an urban farm could sustain itself, not costing the City anything and helping to provide for a sustainable living community. However, an even more relevant example that parallels BAREC even more is a place called Fairview Gardens in southern California (<http://www.fairviewgardens.org> <<http://www.fairviewgardens.org>>). This is a non-profit run urban farm very similar to what has happened with BAREC, It was once surrounded by orchards and farmland in the 1950s, and it is now in the middle of a dense urban society. Just take a look at the images below from their website:

107-13
Cont'd

Even the shape parallels BAREC. I believe I have made my point about the viability of having an urban farm.

Second, the report says the land is too small. The above mentioned Fairview Gardens has been operating for over 100 years and is 12.5 acres, 30% smaller than the BAREC property. Just think about how much more BAREC can do for the community.

Therefore, the rational for not taking this piece of land seriously for farming is absurd. It shows a complete lack of understanding about sustainability and community growth. Is it EDAW's job to make these claims? I would say only with facts to back them up. I have shown you two examples that show how an urban farm sustains itself and contributes on multiple levels to the community (e.g., localizing food production, a place for training and guidance, children's learning, visitor's center, apprentice learning, integration with K-12, quality of life, etc.). The potential is limitless and only grows as the community gets involved.

In section 4.1.3, Mitigation Measures, it states:

"Based on the above evidence, this Draft EIR has determined that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses."

107-14

There is no way to make up for the fact that you would be allowing the destruction of 17 acres of PUBLIC Prime Farmland.

Again, on page 2-9, it states:

"Loss of Land for Agriculture

The project would develop approximately 17 acres of designated Prime Farmland and Farmland of Statewide Importance for which there are no feasible mitigation measures to reduce this impact to a less-than-significant level. This would be a significant and unavoidable cumulative impact."

107-14
Cont'd

There is no way to develop this land into housing and preserve the 17 acres of Prime Farmland. It just can't happen. Do not change the zoning.

What about the want of the Santa Clara citizens for a senior housing facility where Martin's Bar is? If you put all your money into this development (which no one but the developers want), the community that wants a senior housing facility in their neighborhood (a area friendly to seniors) would be denied.

107-15

Think for a minute about a senior trying to cross the 6-7 lanes of Winchester Blvd with a cane or a walker. What about crossing 8-10 lanes of Stevens Creeks Blvd? Do you think this is a safe thing to do? What about the recent (mid-April 2006) car crash right through the intersection of Forest Ave, right where the senior center is proposed? The car when through the intersection, jumped the curb, took out the bushes and destroyed the fence. How safe is that?

107-16

There are many alternatives to this development. Do not let the State scare you in the a lawsuit as evidenced by Mayor Mahan stating on April 26, 2005 (see <http://www.savebarec.org/index-sc-council.html> <<http://www.savebarec.org/index-sc-council.html>> for a video these exact words):

107-17

"The reality is, the property is going to be developed... and there's nothing we can do to stop it. We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Why would the City get sued? Jeff Crone, Senior Real Estate Officer, California State Dept. of General Services, stated "The State has never challenged a city on a zoning issue." As Dan Potash stated at the April 13, 2006 DTSC meeting as again during April 18, 2006 Parks and Recreation Commission: "The City of Santa Clara has the final land use authority." He said it is up to the City of Santa Clara if they want housing there. He said this publicly and it is on record.

107-18

I will conclude my statements by saying we have over 4,000 signatures on a petition from people all over the city, county, state, and county. The petition simply states:

107-19

Save BAREC (Bay Area Research and Extension Center) Petition

"I support keeping BAREC in Santa Clara (formerly the UC Agricultural Research Extension Center at 90 North Winchester Blvd., Santa Clara, CA) in 100% (one hundred percent) agricultural open space and kept zoned as agriculture, keeping its historical buildings in the same location."

107-19
Cont'd

This is not something that is localized to a neighborhood or a block. It has state, national, and global support. Show leadership in how to grow communities long term. Show how to begin to balance the need to not just open space, but productive open space. Imagine a beautifully landscaped garden, that produces food, serves the public, and COST THE CITY NOTHING!!!! In fact, it actually generates money in terms of tax revenues for the City and the State. There are already non-profits that have offered to purchase this land, but the State is not will to discuss any alternatives until this deal goes away. I know the City see an opportunity to purchase some land at a discount, but don't let short term needs influence the long term visions and goals for a City. You have an opportunity to show significant leadership as a large City that knows how to balance land use and sustain a community. It can be the Center of Excellence for how urban agriculture is done around your city and in other cities. The people want this. It is your duty to listen to them. Go talk to the citizens about this. Hold more meetings. DO NOT RUSH THIS DECISION, FOR ONCE YOU MAKE IT FOR A PRIVATE USE AND HOUSING, YOU CAN NEVER GO BACK. HOWEVER, IF YOU KEEP THE ZONING AS IT IS, CHANGE THE GENERAL PLAN TO REFLECT AN AGRICULTURE USE, YOU CAN ALWAYS CHANGE YOUR MIND IN THE FUTURE SHOULD THE PEOPLE WANT HOUSING THERE. KEEPING IT AS AN AGRICULTURE ASSET FOR NOW IS THE SAFEST THING YOU CAN DO FOR THE FUTURE OF THE CITY AND THE COMMUNITY.

107-20

I have included some web sites and attachments for you to review. I will send the attachments under a separate in case they are too big.

Instead of copying all of the SaveBAREC.org information into an email, please refer to the following website to gather additional information: <http://www.savebarec.org> <<http://www.savebarec.org/>> . It is very complete and very thorough on how the land can be used for successful urban agriculture. Again, this is just ONE of many financially stable and self-sufficient options available for this land.

107-21

Thank you for your time and consideration. I am available to talk with anyone and present the alternatives with you at any time.

Kirk Vartan

598 N Henry Ave.

San Jose, CA 95117

P.S. I commented on the DTSC's effort in this process and I think it is problematic at best.

107-22

I would also like to know how the City of Santa Clara has incorporated the following guidelines on Environmental Justice. Please see the following:

As of 2001, a general plan must include guidelines on Environmental Justice. Under this general plan guidelines, in chapter 2, sustainable development and environmental justice (page 20). Sustainable development and goals include to "conserve prime agricultural land".

107-22
Cont'd

http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf
<http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf>

CC: <info@savebarec.org>

LETTER 107

Kirk Vartan
April 24, 2006

- 107-1** The commenter expresses concern for the quality and integrity of the DEIR. The comments states that that the EIR lacks alternatives to the project and should provide any and all alternatives to the project. Section 15126.6 of the CEQA Guidelines states that “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project.” The alternatives analysis for this EIR is consistent with CEQA Guidelines Section 15126.6.
- 107-2** The comment expresses opposition to the name of the project, Santa Clara Gardens. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 107-3** The commenter provides a detailed description of Prime Farmland. The project’s impacts to farmland resources were evaluated consistent with the requirements of CEQA in Section 4.1, “Land Use and Agricultural Resources,” in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.
- 107-4** The commenter states that the ‘No Project Alternative-Current Zoning’ analysis makes a number of claims that are misleading or false. The commenter asks why site clean-up and farming at the site are considered unlikely under this alternative. The alternative did not state that any type of farming is unlikely. Page 7-5 of the DEIR states that “this alternative assumes that the site would be developed with active farming, nursery, and greenhouse uses.” In response to comments received on the DEIR and Recirculated DEIR, a variant of the No Project Alternative – Current Zoning was evaluated that considered implementation of a small farming operation on the Project Site (see Master Response 6 – No Project Alternative – Current Zoning [Small-Scale Farming variation]). Neither the No Project Alternative – Current Zoning or its variant (i.e., Small-Scale Farming variation), would be environmentally superior to the project because it would result in the potential exposure of residents to its own set of significant impacts including new significant noise sources (e.g., farming activities) that could exceed the City’s noise standards and it could also result in potential seismic-related hazards because existing on-site buildings are not designed to meet current safety standards.
- Regarding the clean-up of on-site soils, extensive research into the characterization of on-site soils has occurred since project operations ceased at the Project Site. The results of this research identified that portions of the Project Site are contaminated with elevated concentrations of arsenic and dieldrin that would require removal to unrestricted residential use levels. These remediation requirements are extensive and costly. The DEIR acknowledges (page 7-5) that the State could not remediate on-site soils under the No Project

Alternative – Current Zoning because funding from the sale of the property would not be available to fund the remediation activities. As such, the DEIR is acknowledging for decision makers that contaminated soil would likely remain in place if this alternative was implemented.

- 107-5** The commenter states that the ‘No Project Alternative’ would eliminate the project’s significant and unavoidable impact to prime farmland and reiterates that no feasible mitigation is available to mitigate the loss of prime farmland. While the No Project Alternative – Continuation of Existing Conditions would eliminate the project’s significant and unavoidable important farmland impact and would be environmentally superior to the project (see Section 7.8, “Environmentally Superior Alternative,” of the DEIR), it would not meet any of the City or State’s objectives for the project.
- 107-6** The commenter requests that the City take more time to explore the long-term effect of the Proposed Project and all alternatives to the project. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 107-7** The commenter requests that the General Plan be changed to show site zoning as agricultural. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 107-8** The commenter states his concern about the permanent loss of prime farmland that would occur as a result of the project. The project’s impacts to farmland resources were evaluated in consistent with the requirements of CEQA in Section 4.1, “Land Use and Agricultural Resources,” in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.
- 107-9** The commenter disagrees with the EIR’s statement that development of the project would not substantially change the development intensity of the area or overall land use pattern. The Project Site is surrounded by single family residential and commercial development, and is designated for residential uses in the General Plan. The Proposed Project would consist of senior housing, single-family residential homes, and park uses. Because the project would construct residential land uses that are compatible with the type of use and development intensity of surrounding land uses (i.e., residential and commercial), development of the project would not conflict with adjacent land uses. Regarding disagreement with the conclusions of the DEIR, please refer to Master Response 2.
- 107-10** The commenter states that poor existing traffic conditions at Stevens Creek Boulevard and Winchester Boulevard would be exacerbated by the development of the BAREC site. The project’s traffic impacts were thoroughly evaluated in Section 4.10, “Transportation and Circulation,” of the Recirculated DEIR. As described therein, the intersection of Stevens Creek Boulevard and Winchester Boulevard would continue to operate acceptably with implementation of the project. The commenter offers no evidence to support the statement that the intersection of Stevens Creek Boulevard and Winchester Boulevard would operate unacceptably; therefore, no further response can be provided.

- 107-11** The commenter criticizes the analysis for Impact 4.1-2 of the DEIR and expresses general concerns about the objectivity of the DEIR. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 107-12** The commenter asks how much money has been spent on the EIR to date. This comment does not address the analysis in the EIR, no response is necessary.
- 107-13** The commenter restates the contents of Impact 4.1-2 of the DEIR and expresses specific disagreement with the following portion of this impact, “however, it is likely that this parcel would not be economically feasible to farm because of its proximity to urban development and the limited size of the site.” The commenter provides examples of farms in urban environments that have been successful and are smaller than 17 acres. As stated on p. 4-9 of the DEIR, large- or small-scale agricultural operations in Santa Clara County would not be economically viable in the long run, because of many factors including: high land prices, which in turn creates high property taxes, increasing local and state regulations, high water and labor costs, competition in the agriculture market by foreign and other state areas, and the presence of immediately adjacent residential uses in the surrounding neighborhood. However, in response to this comment, the City has made the following changes to the DEIR.
- Page 4-7, paragraph 4 is hereby revised as follows:
- “The CDC classifies the site as Prime Farmland and Farmland of Statewide Importance. Remnants of fruit orchards are found on the site. No other Important Farmlands or agricultural lands are located in the project vicinity and the city has no adopted policies for the protection of farmland resources. Agricultural operations at the site ceased in January 2003. Although the Project Site is not in active agricultural production, the Project Site is still considered to be a farmland resource because of the presence of suitable soils; however it is likely that this parcel would not be economically feasible to farm because of its proximity to urban development. ~~and the limited size of the site.~~ The project would result in the conversion of prime and important farmlands to non-agricultural uses. This would be a significant impact.”
- This change does not alter the conclusions presented in the DEIR.
- 107-14** The commenter refers to areas of the DEIR that state there is no feasible mitigation for loss of farmland at the site. The commenter also states that there is no way to make up for the loss of 17 acres of public prime farmland and asks that it not be rezoned. The State of California, Department of General Services (DGS) (a public agency) is the owner of the Project Site. Therefore, the Project Site is not public property. Please refer to response to comment 75-4 for additional discussion explaining why mitigation for the loss of farmland is considered infeasible.
- 107-15** The commenter states that senior housing would be better suited to the Martin's Bar area and questions the safety of senior housing at the Stevens Creek Lane. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

- 107-16** The commenter raises pedestrian and traffic safety issues related to senior housing located on the Project Site. The project's pedestrian circulation impacts were evaluated in Impact 4.10-8 of the DEIR (page 4-111). As described therein, specific information on proposed pedestrian improvements was not available and, therefore, the project's impacts to pedestrian circulation were determined to be potentially significant. Mitigation recommended would require the developers to identify necessary off-site pedestrian improvements (e.g., sidewalks, signage) and implement those improvements consistent with City of Santa Clara and City of San Jose standards. This mitigation would reduce the project's pedestrian impacts to a less-than-significant level.
- 107-17** The commenter makes statements about a perceived inevitability of development of the site. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 107-18** This comment is a continuation of the perceived concern expressed in the previous comment. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 107-19** The commenter describes the signatures on a petition opposing the project. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 107-20** The commenter makes comments in opposition to the Proposed Project. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 107-21** The commenter provides website links and other general information about the Save BAREC organization. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 107-22** The commenter makes a general statement regarding concerns about the DTSC process and asks a question about whether environmental justice is considered in the City of Santa Clara general plan. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: "Kirk Vartan (kvartan)" <kvartan@cisco.com>
To: "Gloria Sciara" <GSciara@ci.santa-clara.ca.us>
Date: 4/24/06 8:07PM
Subject: Letter referenced in past comments on EIR

Hi Gloria,

This is part of the official record as I presented this during a council meeting, but it did not get attached in the last email I sent you (not sure why). Here it is. If there are any problems with it, you can look at the City Council minutes from March 7, 2006 when I submitted it to the Council.

Thanks,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117
barec-eir@kvartan.com

108-1

Santa Clara City Council Meeting March 7, 2006

While you are getting my handouts, I wanted to acknowledge the ethical behavior of Councilmember McLeod. She has the integrity to identify a potential conflict of interest due to her domestic partner's relationship with the BAREC project and she recused herself from all official meetings regarding BAREC. Thank you for your honesty.

108-2

At one of the meetings held by the Santa Clara City Staff (I believe it was the October 3, 2005 EIR Scoping Meeting), it was said that the SummerHill Homes housing proposal would build "like houses." I have taken a picture of every house that borders the former BAREC site, 42 houses in total. You will see, only four of them (that's less than 10%) have anything above one story, mostly above garage add-ons. There is only one house that would be considered a real two story house and it is only about 70% the size of what is being proposed in the new development. If you look at the overall neighborhood, you will see over 90% of the houses are single story, not even with garage add-ons. I have also taken pictures of SummerHill Homes' new development (WoodGlen) by Westgate/El Paseo Mall in San Jose, houses that are actually smaller than what is being proposed for BAREC. Just look at the pictures and judge for yourself. There is nothing similar about these houses. There are three attachments for you to look at.

108-3

At the City Council meeting on April 26, 2005, some of the Council members made statements. I want to address some of them:

Councilmember Moore: You stated that the lease for Longs over on Winchester and Stevens Creek, which you shop at, would be up soon and a "Super Safeway" would be put in place. Well, Longs just renewed their lease for another five years.

Councilmember Caserta: You stated: "Where's the money to do this?" If the money were there and City funding was not an issue, would you be in favor of it? If so, say so. We have a plan to accommodate your financial needs.

Mayor Mahan: You stated: "The reality is, the property is going to be developed... and there's nothing we can do to stop it. We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it." You further stated to the San Jose Mercury News on January 29, 2006, that "We have to be reasonable in allowing rezoning; we can't withhold entitlements unreasonably, especially when we can't offer a good alternative." This tells the community that if a "good alternative" exists, you would be in favor of it. We have one; one that is financially stable and will not negatively impact tax payers. Come talk to the SaveBAREC group before you leave your current post as Mayor

108-4

and run for Santa Clara County Supervisor, District 4...a district that BAREC is square in the middle of. We can make this a win-win for everyone.

Councilmember Mathews: You told us about your generations as a native Santa Claran...how your great, great, great grandfather fought in the Civil War. You said: "The history that I'm going to make is going to be made today...to get this site developed..." Well, let's get this site developed, but in the right way. Let's look beyond the current pressures of today. Let's think about what your great, great, great grandchildren would want.

Let's take this opportunity to make a difference for generations to come. Take the BAREC property and showcase it. Turn it into a Center of Excellence for all to see and learn from. Show leadership for California and the nation on how land use in urban areas should be balanced. Show how urban agriculture can help deliver on the vision of sustainable living. As an agricultural asset, it benefits the community more so than any kind of housing development. Look beyond your political terms and see how this open space can balance the over crowded shopping areas around it (Valley Fair and Santana Row) that exist today. Do not overwhelm the area with more housing. This is state land, not privately owned. This is land of the people. "We the people" own this land and have the right to dictate its future. We are a government Of the People, By the People, and For the People. The People want this land to be an agricultural asset....just ask them. I have. I have over 4,000 signatures of support for keeping this land agriculturally zoned and agriculturally used, people from all over the city, state, and county.

Take this opportunity to show leadership. These meetings are uni-directional...we say something, then you say something. Please engage the audience during this meeting and ask us (me) questions so it is not just a bunch of one sided arguments.

Thank you for your time.

Kirk Vartan

A quote from a long time resident of Santa Clara:

"I enjoyed the tomato tasting of BAREC (the AG Center). I was so sad to hear it would no longer serve the public. Please preserve it!"
M. Houston

108-4
Cont'd

108-5

LETTER 108

Kirk Vartan
April 24, 2006

- 108-1** The commenter explains that City Council minutes from a March 7, 2006 meeting are attached and are part of the official record. The attachment is discussed below beginning with response to comment 108-2.
- 108-2** The commenter complimented a Councilmember for recusing herself from all meetings on BAREC due to her interest in the proposed development. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 108-3** The commenter states that he has taken photos of houses surrounding the site and expresses concern that the homes being proposed at the Project Site will be larger than homes in the surrounding neighborhood. As discussed in Impact 4.2-1 of the DEIR, the project would result in residential development with design elements that are similar to surrounding neighborhoods. In residential neighborhoods, homes vary in size and two-story homes are common. From a CEQA perspective, locating new single-family homes on an infill parcel next to existing single-family homes would result in a less-than-significant aesthetic impact.
- 108-4** The commenter summarizes some of the statements made by Council Members at the April 26, 2006 City Council Meeting and also asks that the Project Site remain zoned as agriculture for future generations. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 108-5** The commenter reports a quote from a Santa Clara resident in support of preserving the site. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: Pat Rupel <patrupel@yahoo.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 1:19AM
Subject: BAREC AND EIR

I wish I was off Monday I would be at the 10:00am meeting with the Senior Advisory Commission.

I have read a synopsis of the EIR and feel distressed about this land no longer being available as agricultural land.
The notion of bulldozers scraping off the topsoil and releasing dieldrin into the air is not appealing.

109-1

I have been treated for breast cancer and can't help but wonder if it was caused by our less than clean environment.

I would love to see those 17 acres be turned into gardens that would be available to school children, local farmers.

This used to known as "The Valley of the Heart's Delight"

109-2

My heart would be delighted to see fruits and vegetables growing in that space and not more bulidings.

What is going to be put on the Kaiser hospital site at Keily?
I heard housing. Is that not enough?

109-3

Sincerely,

Patricia Rupel

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

LETTER 109

Patt Rupel
April 24, 2006

109-1 The commenter expresses concern regarding development of the Project Site, potential soil hazards (comment 1), and that the Project Site would no longer be agricultural land (comment 2). The project's agricultural status and hazard impacts were evaluated consistent with the requirements of CEQA in Sections 4.1, "Land Use and Agricultural Resources," and 4.6, "Hazards and Hazardous Materials," of the DEIR and Recirculated DEIR. As described therein, the project's potential soil contamination hazards were evaluated through the preparation of a Phase I Environmental Site Assessment and a Phase II Site Characterization Report consistent with American Society for the Testing and Materials (ASTM) protocol (E5127-05 and E1903-97[2002]) (see Section 4.6.1, "Environmental Setting," of the DEIR and Recirculated DEIR). DTSC has approved the information contained in the Phase II Site Characterization Report (see Appendix A of this document). Based on the results of those reports, DGS prepared a Draft RAW, which describes the remediation measures that would be implemented to remove contaminated soil from the Project Site. In consideration of the clean up activities proposed as part of the RAW and the clean up levels that would be attained (i.e., a level of soil cleanliness suitable for unrestricted residential use), the DEIR and Recirculated DEIR concluded that the project's potential soil contamination hazards would be less-than-significant (see Impacts 4.6-1 and 4.6-2). Master Response 4 and the responses to comment letter 8 and R32 provide additional discussion regarding the methodology used to evaluate the project's hazardous material impacts.

Regarding impacts to agricultural resources, the project's impacts to farmland resources were evaluated in consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," in the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to Master Response 7 and response to comment 75-4 for additional discussion explaining why mitigation of this impact is considered infeasible.

109-2 The commenter expresses support for making the site available for school children and local farmers. Several alternatives to the project were considered in the DEIR including alternatives that would retain the site in its existing condition (Section 7.2, "No Project Alternative – Continuation of Existing Conditions") and would allow development that is consistent with its existing agricultural zoning designations (Section 7.3, "No Project Alternative- Current Zoning"). Additionally, in response to comments received on the DEIR and Recirculated DEIR, a variant to this alternative was evaluated that considered implementation of a small farming operation on the Project Site (see Master Response 6, "no project alternative – current zoning [Small-Scale Farming variation]"). As concluded in Section 7.8, "Environmentally Superior Alternative," of the DEIR and in Master Response 6, neither of these alternatives would meet any project objectives.

109-3 The commenter asks what is going to be put on the Kaiser hospital site. This comment is not related to the Santa Clara Gardens project or the analysis presented in the Santa Clara Gardens DEIR. No further response is necessary.

From: "Kirk Vartan (kvartan)" <kvartan@cisco.com>
To: "Gloria Sciara" <gsciara@ci.santa-clara.ca.us>
Date: 4/25/2006 9:10:56 AM
Subject: RE: BAREC (Santa Clara Gardens) More information for Draft EIRcomments

Hi Gloria,

I wanted to include them in my comments as it directly show the homes that border the area, and how the SummerHill planned homes are not even close. They (and others) have been claiming "like structures" will be built. There is nothing "like" about them other than they all house people. They do not look the same, they are not the same scale, they are not the same density, they are not the similar in any way.

The attachments are meant to back-up some of the comments I made and to show supported for alternative projects (e.g., the No Project Alternative option). I feel the options listed in the EIR are severely lacking with regards to non-housing. The rest of the attachments show different items to consider, such as the SaveBAREC agriculture alternative, a copy of the Fairview Gardens urban farm, the letter from the GCRCD wanting to acquire the land (a State agency), the purchase letter from a non-profit to by BAREC for agriculture uses, etc.

If there are any other items that are unclear, please feel free to email me back. But, yes, please include all my attachments and comments as my formal submission to the EIR review. Also, please use the other email (barec-eir@kvartan.com) going forward as I am creating a filter for it and want to track all communication under that address.

Thank you very much!

-Kirk

-----Original Message-----

From: Gloria Sciara [mailto:gsciara@ci.santa-clara.ca.us]
 Sent: Tuesday, April 25, 2006 9:00 AM
 To: Kirk Vartan (kvartan)
 Subject: Re: BAREC (Santa Clara Gardens) More information for Draft EIRcomments

Kirk- please clarify what your request is in regards to those attachments. Is this part of your EIR comments? the powerpoint, what do we do with this? Thanks

Gloria Sciara, AICP
 Interim Manager of Development Review
 City of Santa Clara
 1500 Warburton Avenue
 Santa Clara, CA 95050
 (408) 615-2462
 (408) 247-9857 (FAX)

>>> "Kirk Vartan (kvartan)" <kvartan@cisco.com> 04/24/06 4:59 PM >>>
 And let me give you an alternative email address:

110-1

barec-eir@kvartan.com

Please use this email for all communication.

Thank you,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

Also worth noting is the following:

CALIFORNIA CODES, CIVIL CODE
SECTION 815

"815. The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

From: "Kirk Vartan (kvartan)" <kvartan@cisco.com>
To: "Gloria Sciara" <GSciara@ci.santa-clara.ca.us>
Date: 4/24/2006 4:59:23 PM
Subject: BAREC (Santa Clara Gardens) More information for Draft EIR comments

And let me give you an alternative email address:

barec-eir@kvartan.com

Please use this email for all communication.

Thank you,

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117

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CC: <info@savebarec.org>

ORGANIZATIONS AND PEOPLE HELPING AND/OR SUPPORTING BAREC TO REMAIN AGRICULTURALLY ZONED

ORGANIZATIONS (PARTIAL LIST)

Action for a Sustainable Earth (Acterra)
Argonauts Historical Society
American School of Herbalism, Santa Cruz
Audubon Society of Santa Clara County
Butcher's Ranch
California Association of Nurseries and Garden Centers (formerly CAN)
California Farm Link
California History Center and Foundation
California Hundred
California Landscape Contractors Association
California Oaks Foundation
Camp Joy, a non profit family farm dedicated to education
Center for Agroecology and Sustainable Food Systems, UC Santa Cruz
Center for Development of Recycling, San Jose State
Center for Environmental Studies, Santa Clara University
Cheesemans' Ecology Safaris, Saratoga
Civil War Roundtable
Common Ground, Palo Alto
Cory Neighborhood Association
Daughters of the American Revolution, Silicon Valley (DAR)
Defense of Place, San Francisco
E Clampus Vitas
Ecological Farm Association, Watsonville
Ecological Landscape Association of California
Environmental Landscape Association, California Chapter
Environmental Health Foundation
Environmental Studies Dept., San Jose State University
Environmental Studies Institute, Santa Clara University
Friends Outside
Guadalupe Coyote Resource Conservation District
Hidden Villa, Los Altos
Master Gardeners of Santa Clara County
Mission College, Santa Clara, Education and Training Program
Our City Forest
Pacific Coast Farmer's Market Association, a non-profit community service organization which
organizes the Santana Row Farmer's Market
Preservation Action Council of San Jose (PACSJ)
Prusch Farm Park Foundation
Sage (Sustainable Agricultural Education)
San Jose Parks Commission
Santa Clara Valley Water District
Sierra Club/Guadalupe Group
Silicon Valley Toxics Coalition
Shasta/Hanchett/Park Neighborhood Association
Soil Food Web
South of Forest Neighborhood Assoc. in Santa Clara City
Valley of Hearts Delight, a project of the Foundation for Global Community
Veterans for Peace, Chapter 101 of Santa Clara County
Village Harvest, a Harvesting Foundation for the hungry, Santa Clara Valley
VIVA (Valley Initiative for Values in Agriculture)
Walden West, Santa Clara County's K through 12 with only county educational program for
environmental/agricultural programs
Wildlife Center of Silicon Valley

<http://www.savebarec.org>

Page 1 of 4

ORGANIZATIONS AND PEOPLE HELPING AND/OR SUPPORTING BAREC TO REMAIN AGRICULTURALLY ZONED

INDIVIDUALS (PARTIAL LIST)

Alane O'reilly Weber, Soil Health and Organic Gardening Consultant, Compost Tea Maker
Alicia Lanier, Santa Clara County Democratic Club, Vice-President
Alry Middlebrook, Middlebrook Gardens
Amy Schacter, Chairman, Environmental Studies, Santa Clara University
Andy Butcher, Butcher's Ranch and farmer
Anita Parsons, Executive Director Walden West School Foundation
April Halversdt, Preservation Action Council Board, Historian for Saratoga Museum
Barbara Nesbit, former Mayor of Monte Sereno
Beth Wyman, Historian, former teacher San Jose State University
Betty Peck, retired kindergarten teacher, author Kindergarten Education
Bill Calagorus, Security Consultant to Federal Government
Bill Romano, former reporter of San Jose Mercury News
Bill Wallace, City of Santa Clara employee; Union representative for the City of Santa Clara
Bob Gross, Retired CEO in electronics, Director of Water District for 20 years, PhD
Environmental Engineering
Bob Siegfried, Agricultural Engineer
Brett Melone, Executive Director Agriculture and Land-Based Training Assoc. (ALBA)
Brian Everette, San Mateo County Green Party Board, Environmental Committee
Brian Lawther, Attorney, former Lincoln FFA (Future Farmers of America)
Bruce Olszewski, Professor, Environmental Studies, San Jose State University
Bruce Tichinin, Lawyer; Father Former County Agricultural Director
Clysta Seney, Santa Clara County Open Space Authority Board
Cameron Colson, California Compliant
Cheryl Barton, Past President of American Society of Landscape Architects, Landscape Architect
Craig Breon, Director, Audubon Society Santa Clara County, Lawyer
Dale Warner, SOS Committee Founder, Retired Lawyer, former state legislator
Dan Svenson, Director Foothill College Horticulture Dept., Landscape Architect
David Bonasera, Producer and Executive Director for *Environmental Concerns*, Silicon Valley
Comcast TV Program
Debra Bowman, Founder of South of Forest Neighborhood Assoc., Santa Clara resident
Delaine Eastin, former California Superintendent of Public Instruction, Professor of Education at
Mills College
Dennis Dowling, Chairman, Science Dept., Wilcox High School, Santa Clara
Diane Dreher, author Inner Gardening, Professor Santa Clara University
Diane Dulmage, Communications Director, Acterra
Dick Turner, Editor Pacific Horticulture
Dolly Sandoval, Councilmember, Cupertino
Doug Cheeseman, Founder Cheeseman Environmental Study Area at DeAnza College, former
Chairman to the Environmental Studies Dept. at DeAnza College
Dr. Ali Harwandi, Horticulture and Sod Research, UC Cooperative Extension
Dr. Craig Kolodge, Retired BAREC Superintendent and Santa Clara County Ag Ext Director
Dr. Elaine Ingham, Soil Scientist and founder of Soil Food Web
Dr. Joy Haus, Retired University Professor and Santa Clara resident since 1950
Dr. Kenneth Wesson, Assist. to Chancellor, SJ Community College District
Dr. Michael Freeling, UC Berkeley Professor, Genetic Research at BAREC
Dr. Rachael O'Malley, Chairman of Environmental Studies, San Jose State University
Dr. Robert Raabe, Professor Emeritus UC Berkeley, Soil and Plant Research
Dr. Russell Skowronek, Foremost Expert on California's Missions, consultant to Smithsonian
Institute, and Archeology Professor at Santa Clara University
Dr. William R. Jackson, Soil Scientist
Shana Weber, Environmental Studies Professor and Director of Community Programs, Santa
Clara University
Ed Souza, Former Santa Clara Mayor
Edward Mathewson, Attorney, graduate of Trace, Hoover and Lincoln

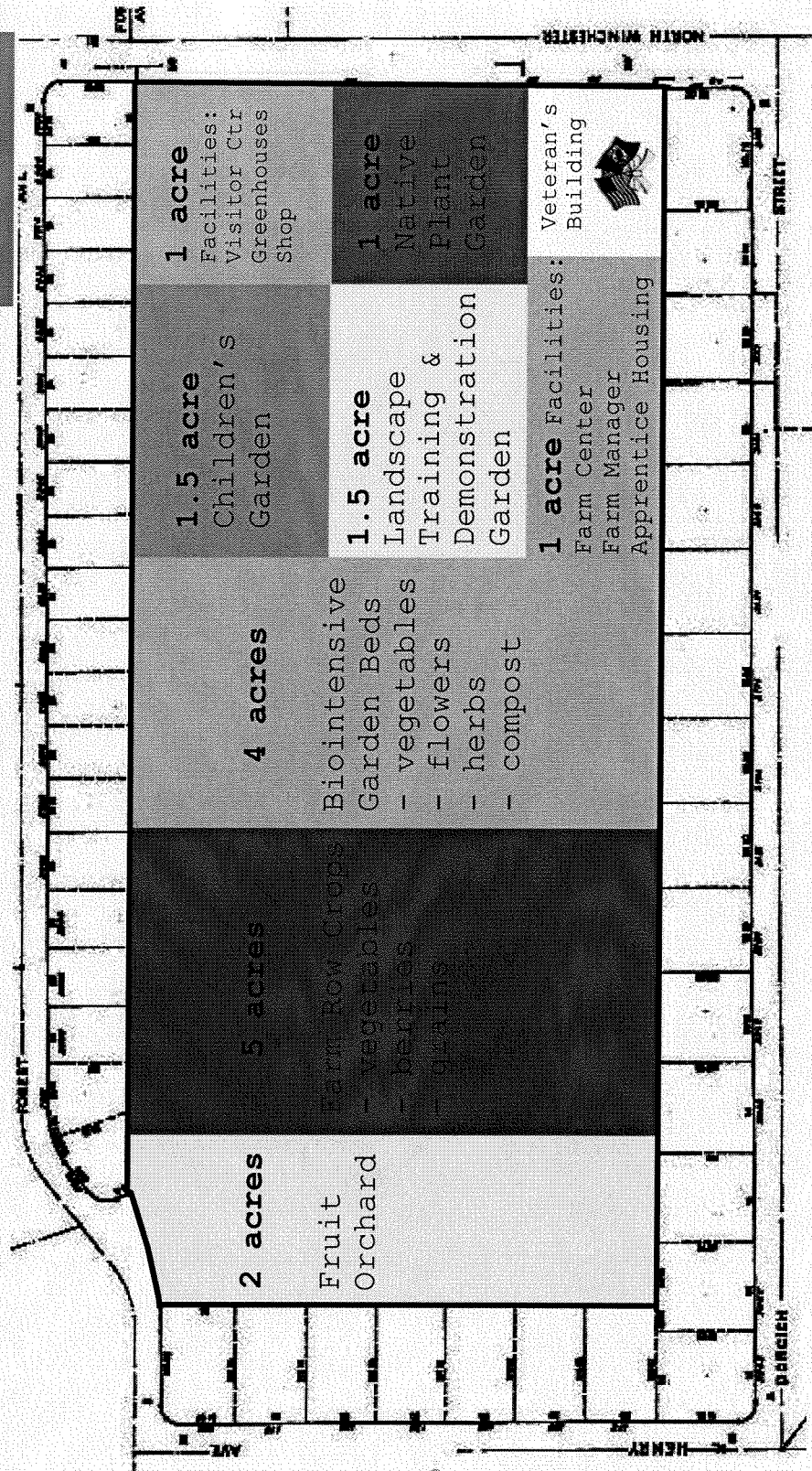
ORGANIZATIONS AND PEOPLE HELPING AND/OR SUPPORTING BAREC TO REMAIN AGRICULTURALLY ZONED

Frank Niccoli, Horticulture Teacher at Foothill College, Chairman of Environmental Committee for California Landscape Contractors Assoc. (CLCA)
Frank Schiavo, Retired Env. Studies Professor, SJ State University
Fred Kent, President and Founder Project for Public Spaces
Golden Love, CA Coordinator for Ecological Landscape Association
Heidi Johnson, Foothill College Horticulture Dept. Instructor and Certified Nursery Professional
Helen Chapman, Chairman San Jose Parks Commission
Huey Johnson, Founder Trust for Public Land and Defense of Place
Jackie Moore, Santa Clara Cultural Advisory Commission
Jade Bradbury, Los Gatos Art Commission, Curator Los Gatos History Museums
Jan Hendenmeister, Citizen Advisory Committee Chair, SC County Open Space Authority
Janet Cobb, Director of California Oaks Foundation
Jeanne Dittman, Manager, SJSU Foundation and native of Santa Clara County
Jeff Sheehan; President Confidence Landscaping; Former State President CLCA (California Landscape Contractors Association); Founder Santa Clara Valley Water District Landscape Committee
Jennifer Andaluz, Executive Director Downtown College Prep, a Charter School
Jennifer Tate, Executive Director of Friends Outside
Jim Arbuckle, President of Pioneer Society of Santa Clara County, son of Valley historian, Clyde Arbuckle
Joe Cernac, Chairman, Sierra Club/Guadalupe Group
John Dotter, founder SJ Community Garden Program, Horticultural teacher at DeAnza and Elmwood County Correctional Facility
Joni Diserens, Second Harvest and Village Harvest
Karen Van Epen, daughter of SJ farmer/engineer, National Center for Appropriate Technology
Kate Safford, Board of California Chapter American Horticultural Therapy Association; Teacher at Cabrillo College; Horticultural Therapist, Dragonfly Studios
Kelly Crowley, Coordinator for Ulistac Natural Area Restoration Project, Santa Clara
Ken Yaeger, SJ City Council Member
Kuang Hsiao, Architect for Santa Clara University campus
Libby Lucas, League of Women Voters, Environmental Committee Chairman
Lilyann Brannon, Environmental Leader, Founder of Tending the Flock Foundation
Linda LeZotte, SJ City Council Member
Lisa McAndrews, Landscape Architect and Professor at Cabrillo College
Lisa Myers, Owner and Founder Let's Go Birding, Santa Clara Valley
Lowel Cordas, Former Director Saratoga Horticultural Foundation
Lynn Trulio, Director Env. Studies, SJ State University
Meg Caldwell, Director, Stanford University's Environmental and Natural Resources Law and Policy Program; California Coastal Commission; Author: A Citizen's Guide to California Land Use Law and Government Decision-making
Michael Closson, Director Acterra, Center for Economic Conversion, past Assist. Dean Stanford
Michael Devane, Dept. of Economics, Santa Clara University
Michelle Van De Voorde, Board Santa Cruz Arboretum, Landscape Architect
Nancy Garrison, Retired Director Santa Clara County Master Gardeners
Patricia Becker, Common Ground Director
Rhonda Berry, Executive Director of Our City Forest
Rosalie Wilson, President of Triton Museum and owner of Wilson Bakery, Santa Clara
Russell Skowronek, Professor of Anthropology and Social Sciences, Santa Clara University, Editor, Telling the Santa Clara Story, Sesquicentennial Voices
Sandy Decker, Los Gatos Mayor
Scott McGilvrey, Owner Jensen Corporation
Sharon McCray, President Prusch Park Farm Foundation; President Santa Clara Valley Master Gardener's Foundation
Sheila McElroy; Historian
Shirley Odou, Editor Democratic Voice, Board Santa Clara County Democratic Club, Democratic Club Newsletter Editor, Santa Clara resident

ORGANIZATIONS AND PEOPLE HELPING AND/OR SUPPORTING BAREC TO REMAIN AGRICULTURALLY ZONED

Steven Hubert, Attorney, graduate of Trace, Hoover and Lincoln
Steve McGuirk, Madrone Landscape Group, author The Gardener's Guide for the Monterey Bay
and columnist Grounds Maintenance Magazine
Sue Harper, grand-daughter of the founder of Santa Clara University's Engineering Dept. which
was named after him, retired teacher
Sue Lasher, former Santa Clara City Council Member for two terms
Susan Stansbury, Coordinator for the Foundation for Global Community
T. Burney, Education Director, Wildlife Center of Silicon Valley
Ted Smith, Director, Silicon Valley Toxics Coalition
Terry Lyngso, Owner Lyngso Garden Materials
Tom Izu, Executive Director of California History Center
Tony Gregorio Bunch, Founder of Gardener's Guild in Santa Clara Valley
Warner Bloomberg III, Attorney , SC Law School, Board United Neighborhoods of SC County
Willis Peck, Founder Saratoga History Museum, retired lawyer, Editor San Jose Mercury News
Yolanda Reynolds, Founder of Shasta Hanchett Park Neighborhood Association and Coalition for
Redevelopment Reform
Yvonne Jacobson, author Passing Farms, Enduring Values – California's Santa Clara Valley

One Possible Layout of Santa Clara County Educational Agriculture Project

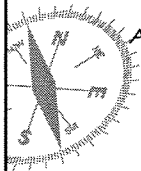


How Would The 17 Acres Be Used?

(See attached diagram)

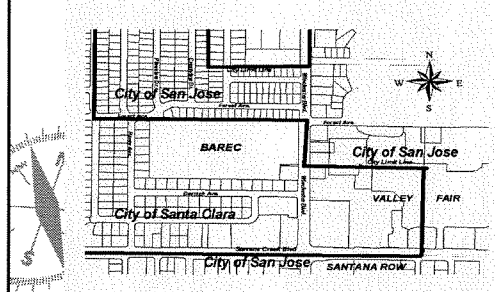
- ◆ 5 acres of organic farmed row crops (vegetables, berries)
- ◆ 2 acres of organic fruit orchard including espalier methods
- ◆ 4 acres of organic biointensive garden beds (veggies, herbs, compost area)
- ◆ 1.5 acre Children's Garden with hands-on activities
- ◆ 1.5 acre Landscape Training and Demonstration Gardens
- ◆ 1 acre Native Plant Garden (drought tolerant, wildlife attractive)
- ◆ 2 acres of facilities (offices, greenhouses, visitor center, farm center w/ kitchen, outdoor amphitheater, farm manager house)
 - Visitor center will emphasize rich history of property and valley
- ◆ Educational signage throughout
- ◆ Open to public during daylight hours and special events
- ◆ Yurt housing for apprentices

Bay Area Research & Extension Center



A historical report prepared by
Sharon McCray

Where is BAREC?



► 1876 Thompson & West Atlas shows this property was first part of a 40 acre parcel - formerly housing part of the Stevens Creek School

► 1886 - Dr. Antrim Edgar Osborne was Superintendent of the Home for the Feeble Minded on this site in Santa Clara. At the time, this land belonged to the City of San Jose. The facility could house up to 160 inmates and was the only facility of its type west of Nebraska.

► Dr. Osborne instigates many activities with an emphasis on cadet drilling, music and physical activities. He introduces the custom of identical uniforms for staff and patients: cadets grey. Dr. Osborne's obituary outlines the importance of his research in the areas of dealing with children with disabilities such as blindness and hearing loss.

Photos of "Sanitarium" as it looked April 22, 1921



► 1921 ~ Senator A.E. Osborne sold the hospital to the Women's Relief Corps as a home for Civil War widows and their daughters. The hospital operated until 1962. The sale included the total 17.5 acres.

► 1920 ~ The University of California began operating the Deciduous Field Station. The research facility operated until 2000 when the property was sold.

► The University of California returned to property to the State of California because it believed it was no longer needed for research AND because they would receive \$2 million annually to the UC Budget. They were mistaken on both counts.

Grand Army of the Republic Women's Relief Corps

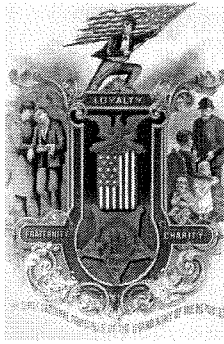


► The Clara Barton Association, auxiliary to Colonel Allen Post 45, GAR, Bosworth Relief Corps, Ladies Aid Society, Forsyth Aid Society, John A. Rawlins Aid Society, were organized to serve the veterans and their families. This auxiliary would become the W.R.C.

Who is the GAR?

GAR members sought to:

- ▶ strengthen the bonds of comradeship
- ▶ to preserve the memory of their fallen comrades
- ▶ give aid to soldier's widows, orphans and to handicapped veterans
- ▶ to fight for pension increases
- ▶ fought to establish Memorial Day



Women's Relief Corps

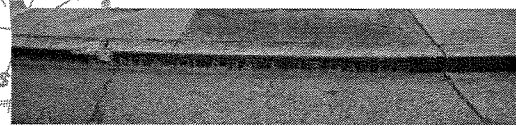
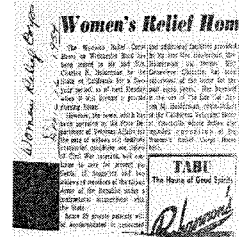
- ▶ 1883 - An auxiliary to the GAR, the WRC, a women's patriotic society, was organized.
- ▶ Women's Relief Corps built and operated a hospital for widows and veterans on 5 acres in the Evergreen area of San Jose on Cadwallader Road. The corner stone for this home was set April 6, 1889 and the property dedicated December 28, 1889. The five-acre property housed "inmates" until October 10, 1920, when it burned to the ground.

Operations of the WRC home in Santa Clara

- ▶ Women of the WRC raised \$20,000 to make the Santa Clara facility ready for new patients and acquire an additional 5 acres.
- ▶ The total cost of the property was \$55,000 with the balance of the funds coming from the State of California and \$12,500 from insurance money from the fire.
- ▶ There were only 3 such homes west of the Mississippi River. This facility cared for over 400 women during its operations.

Holderman Sanitarium

Patients from the Evergreen WRC home were moved to the site in Santa Clara which became known as Holderman's Sanitarium.



In 1947, with patient numbers dwindling, the State was forced to make annual budget decisions that would control the destiny of the facility, its staff and future.

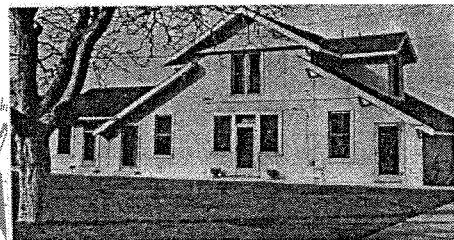
43 Old Ladies Face Eviction By the State

San Jose, Calif.—Forty-three old ladies who have lived in the Santa Clara County Women's Relief Corps Home since 1889, are to be evicted by the state. The state is to build a new home for them by withdrawing state aid of \$100 per month per year and paying the salaries and costs to build the new home. The state is to build the new home by withdrawing state aid of \$100 per month per year and paying the salaries and costs to build the new home. The state is to build the new home by withdrawing state aid of \$100 per month per year and paying the salaries and costs to build the new home.

Relief Home Closing Voted By Assembly

The State Assembly at Sacramento, by a vote of 44 to 20, yesterday voted to close the Santa Clara County Women's Relief Corps Home. Assemblyman Thompson of San Jose gave notice he would ask for reconsideration of the measure. It would disperse 43 widows and orphans of Civil War veterans now residing in the home and give them \$100 a month for subsistence elsewhere. The Assembly action immediately started protests at San Jose. Giuseppe Joseph M. McElroy, who five years ago led a successful fight in the Legislature to prevent similar action, said: "It would be a crime to close the home. It is well operated and managed and the old ladies there are happy. It's the only home I've seen that has given so many years of service. The Assembly proposes to give the old ladies \$100 a month to find for themselves. It would cost them \$100 to \$200 to live elsewhere."

The last Civil War orphan, Eva Simpkins, was moved to a facility in San Jose where she died in 1966, having lived her entire life institutionalized. This building was part of the original facility known as "Osborne Hall" and later known as Holderman's Sanitarium.



This is one of the buildings at the Santa Clara County Women's Relief Corps Home, which was later known as Holderman's Sanitarium. The building was part of the original facility known as "Osborne Hall" and later known as Holderman's Sanitarium.

University of California Deciduous Field Station

- Sometime around 1920, when the Agricultural Stations in Mountain View and Willow Glen were closed, the full operation moved to the back 13 acres of the property and was known as the **Deciduous Fruit Experiment Station**. It is reported that they operated through a "gentlemen's agreement" and were carrying out their research on "borrowed land".
- An undated history, unsigned, states that the Deciduous Fruit Field Station moved to 125 N. **Santa Clara-Los Gatos Road** in 1920, but did not purchase the land or build on it. It appears that the facility in Mountain View was leased for five years and it was closed in 1926. At the urging of influential farmers a temporary station was opened in 1927 on Settle Avenue in Willow Glen. There were two original parcels, one 13 and one 5 acres each. One-half acre would later be sold to the California VA.
- The report goes on to say that 13 acres were leased from the WRC in 1928 at the site on Santa Clara-Los Gatos Road. The WRC owned a total of 18 acres.

BAREC ~ 2002



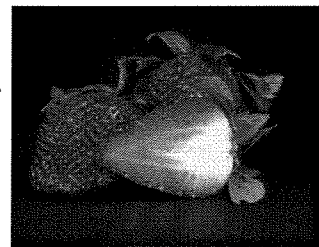
University of California Agricultural Research

Since 1920, the University of California has conducted research on the property.

All of it is important to our valley's history, progress and diversity.

In the 1960's, the research focus turned to the Home Gardener including reduction of water and pesticide use.

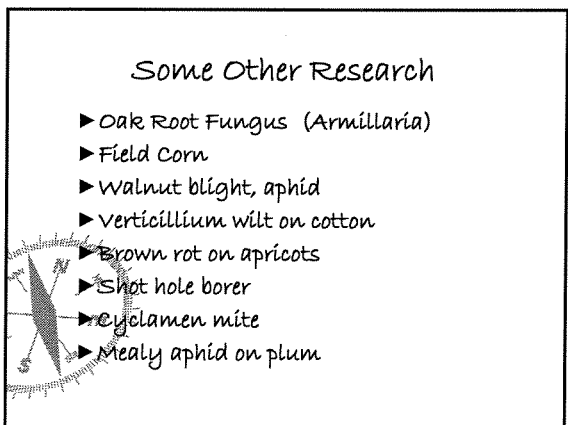
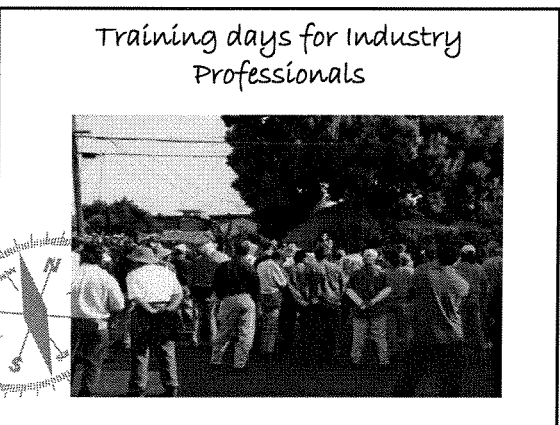
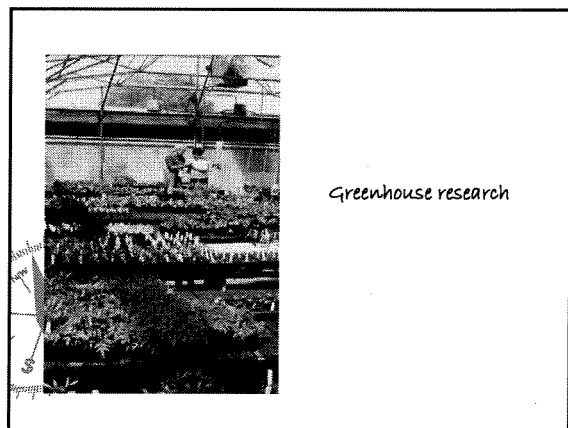
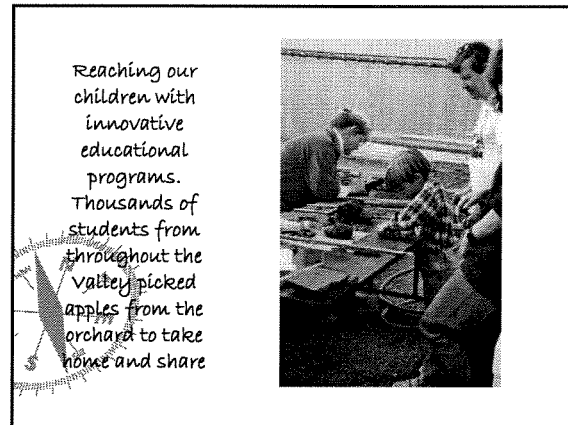
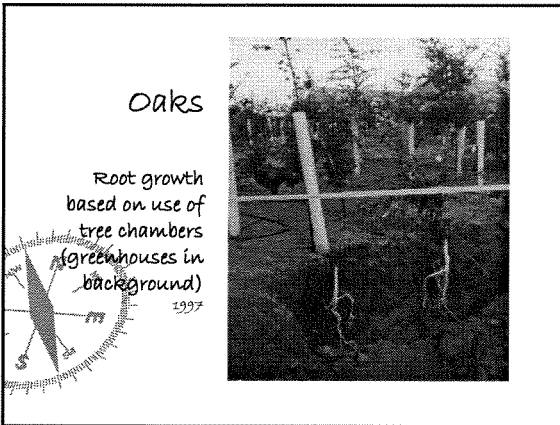
The importance of strawberry research done by the University of California in Santa Clara, especially after the war, cannot be over stated.



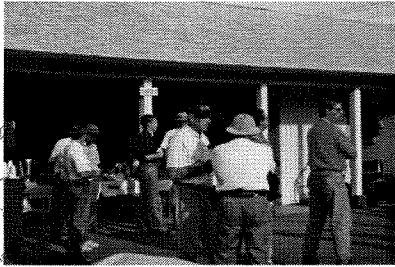
Turf 1997



CIMIS Weather Station in turf grass plots ~ 1997



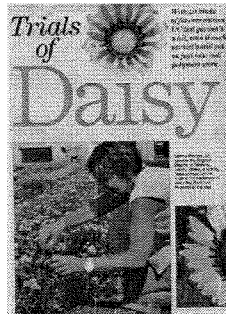
State Weed Specialist, Dr. Clyde Elmore, in front of Shop during training



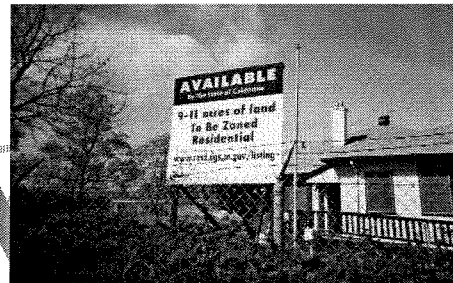
Growing oyster mushrooms in green yard waste.

Master Gardener Trials

- ▶ Cut Flowers
- ▶ Melon varieties
- ▶ Tomatoes
- ▶ Chili peppers
- ▶ Carrots
- ▶ Blueberry varieties
- ▶ Drought tolerant plants
- ▶ Lettuce



The Decision ~ 2003



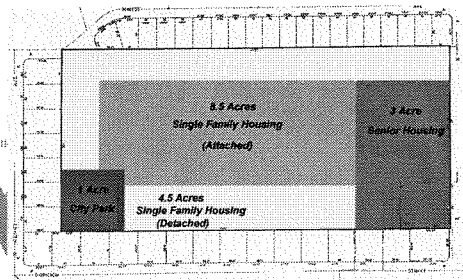
Why Should It Be Preserved

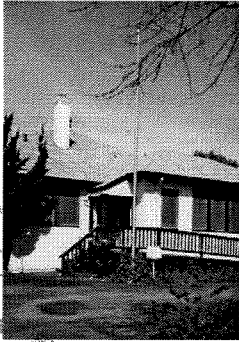
Historical Reasons

Future Agriculture Research

Because we have a last opportunity

What was proposed





*We will conserve only what
we love.*

*We will love only what we
understand*

*We will understand only
what we are taught.*

*Baba Dioum, African
Environmentalist*

February 10, 2005



Questions?

References:

- ▶ San Jose Mercury News
- ▶ City of Santa Clara Planning Department
- ▶ California Irrigation Management Information System (CIMIS)
- ▶ A.M. Amstutz personal notes and interview with his widow, Mary
- ▶ www.phoenixmasonry/masonicmuseum
- ▶ History of California and Nevada, WRC, 1883-1934
- ▶ History of Santa Clara County, Eugene Sawyer, 1922
- ▶ Garden of the World, Lewis Publishing 1888
- ▶ University of California
- ▶ New Columbia Encyclopedia

Save BAREC (Bay Area Research and Extension Center) Petition

"I support keeping BAREC in Santa Clara (formerly the UC Agricultural Research Extension Center at 90 North Winchester Blvd., Santa Clara, CA) in 100% (one hundred percent) agricultural open space and kept zoned as agriculture, keeping its historical buildings in the same location."

	Name	Address, City, State, Zip	Phone (opt.)	email@barec.com (opt.)
1	Sign PRINT			
2	Sign PRINT			
3	Sign PRINT			
4	Sign PRINT			
5	Sign PRINT			
6	Sign PRINT			
7	Sign PRINT			
8	Sign PRINT			
9	Sign PRINT			
10	Sign PRINT			
11	Sign PRINT			
12	Sign PRINT			

USEFUL QUOTES ON BAREC (by well-known individuals):

"Our recent poll shows that 8 out of 10 people in Santa Clara Valley are concerned about the lack of open space in the Santa Clara Valley."

Bob Gerard, Attorney and Retired Stanford Professor, February 2004

"In the summer of 2002 our City did a study of where to place Santa Clara's required housing for the next five years. This study showed that BAREC was not needed for this required housing."

Santa Clara City Mayor Patricia Mahan

"If the county will step forward and say we will join with the City of Santa Clara and purchase some of that [land] or if the City of San Jose wanted to contribute, it would be marvelous. To have 17 acres reserved as open space would be magnificent. I do not know that anyone of us sitting here today would argue that fact."

Santa Clara City Mayor Patricia Mahan, October 21, 2004 on Comcast TV's "Environmental Concerns"

"The whole purpose of the hearings is to find out what people think and to judge what's most important as we move forward."

Santa Clara City Mayor Patricia Mahan, as quoted in *The Valley* section of The San José Mercury News, April 6, 2006

"We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Santa Clara City Mayor Patricia Mahan, April 26, 2005 at the Santa Clara City Council Meeting

"We have to be reasonable in allowing rezoning; we can't withhold entitlements unreasonably, especially when we can't offer a good alternative."

Santa Clara City Mayor Patricia Mahan, as quoted in *The Valley* section of The San José Mercury News, January 29, 2006

"Housing is a dead bang loser for income. In the United States we have gone from 5th to 48th in the most efficient use of our tax money. We have the highest unemployment in this country. The average person in Santa Clara Valley travels 35 miles one way to work each day."

Terry Trumbull, October 21, 2004 on Comcast TV's "Environmental Concerns"

"It's [BAREC] a marvelous facility that is supporting research on turf grass, landscape plants, cut flowers, high value horticultural crops, composting, bio-intensive pest management, alternatives to methyl bromide and other high

visibility topics. It's also a very unique property for studying ag-urban interface issues. These interface issues will only grow in importance in the coming years."

Steven Nation, Assistant to the University of California President of Agriculture and Natural Resources (before the Center was closed).

"Open space raises property values."

Daniel Press, author of *Saving Open Space*, Professor Environmental Studies at UC Santa Cruz

CALIFORNIA CODES, CIVIL CODE SECTION 815-816

"815. **The Legislature** finds and **declares** that the **preservation of** land in its natural, scenic, agricultural, historical, forested, or **open-space** condition is **among the most important environmental assets of California**. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

"BAREC is so important to the City and region that it should be placed on the National Historical Registry."

Lori Garcia, Santa Clara City Historian and Commissioner on the Santa Clara County Historical Commission and Chairman of the Santa Clara Planning Commission.

"If this parcel of land has the agricultural zoning removed, it would not only be a tragic loss to the community's heritage and its future, but also close the door to any opportunities we may have in the future to pursue our research and education work in the Santa Clara Valley."

Dr. Carol Shennan, Director of the University of California Santa Cruz Center for Agroecology and Sustainable Food Systems.

"To make the strongest case for keeping this site as is, the General Plan would need to be changed to agriculture."

Geoffrey Goodfellow, Santa Clara Planning Director at a Neighborhood Outreach Meeting on January 15, 2003.

"The City [Santa Clara] loses money with housing as it is costly to maintain it."

Geoffrey Goodfellow, Santa Clara Planning Director at a Neighborhood Outreach Meeting on January 15, 2003.

"The State has never challenged a city on a zoning issue."

Jeff Crone, Senior Real Estate Officer, California State Dept. of General Services. Note: that Dan Potash is the State's consultant in charge of selling BAREC and his boss is Jeff Crone.

"This governor's budget is a stinker and he does see developers and the rich generally as more important than schools. Too few legislators have any spine when it comes to really standing up for children."

Delaine Eastin, former State Superintendent of Public Schools who had as her theme "A Garden for Every School" and was able to create over 3000 school gardens in California, January 2005.

"Santa Clara is the "Mission City" and an important part of our Mission was the fruit trees and plants used to help the Indians farm the land. The plants introduced by the early missionaries helped the Santa Clara Valley discover the uniqueness of this Valley for growing food, especially fruit trees. As part of the City's Mission City heritage we need a collection of the Mission Period plants. Because of its history and the fact that it is set up for education and growing plants with wells, irrigation systems, greenhouses, and a conference room, BAREC is the best place to locate this collection. We also need such a place for our students to study the relationship between man, history, ecology and plants and we have no room on our campus for this. To be successful there are many departments on campus which need such a place. Also, BAREC is adjacent to public transportation which links it to the University and the Valley, an important element for students."

Dr. Russell Skowronek, Professor of Anthropology and Social Sciences Dept., Santa Clara University

"Land is a non-renewable resource. It would seem shortsighted to make a dollar at the expense of what has been a resource for the greater community."

Vicki Moore, Greenbelt Alliance

"This property is unique in California. It is considered the State's leader in the rural/urban interface issues. We are fortunate to have it in the middle of our metropolitan community with excellent public transportation to it. As we become more urban, we will need it even more. It is also important that you recognize the importance of its history to our community and to the State and encourage City, State, and National Historical Registry status for it.

Because of its history and location, the potential to bring federal, state, and private foundation money to your City is tremendous. The permanent jobs this would create and the good it could bring would far outweigh a housing development that will only make it look like the rest of our paved over Valley and become a drain on the City's economy. The work done on the property could send out new little business ideas all over your City and enrich it for years to come. Santa Clara has been far-sighted in its solar energy policies. I urge you to

continue your environmental leadership and vote to keep this historically important piece of land agriculturally zoned."

Ted Smith, Director of the Silicon Valley Toxics Coalition in a letter to the Santa Clara City Council.

"The average acre of farmland in San Francisco earns \$123,000 per year."

Michael Olson in Metro Farm, a Guide to Growing a Big Profit on a Small Parcel of Land (<http://www.metrofarm.com>).

"I am writing you to encourage you to follow up on the Council's vote on March 18, 2003:

'Direct staff to explore opportunities to obtain funding to assist in purchasing portions of the BAREC property The Committee directed Parks, Recreation and Neighborhood Services staff to work with the City and County of Santa Clara to explore funding opportunities including, but not limited to, submission of a joint application for a Land and Water Conservation Fund Grant from the State of California to assist in purchasing portions of the BAREC property, located in the City of Santa Clara, to allow for continued agricultural/open space uses.'

The State has too quickly tried to sell this land to make it appear that your efforts were in vain. Since I have not seen a follow up on your vote and since the City of Santa Clara does not seem to know about your interests in helping them, I request that you continue this good work."

Ted Smith, Director of the Silicon Valley Toxics Coalition in a Letter to the San Jose City Council.

"What was most missing in this process so far was fair and adequate public notice of this proposed action, the deactivation of this BAREC research operation, without discussion or resolution of or planning with respect to the two critical questions: (1) Where and how else will the critical research BAREC now conducts be conducted, assured? (2) How else will this land be utilized? Since our local municipalities have under law the full authority to authorize or refuse any proposed change of zoning and use, we ask the State of California to begin discussions with the City of Santa Clara regarding appropriate proposed alternative use/s for that property."

Senator John Vasconcellos and Assemblywoman Elaine Alquist in a letter to Governor Davis and the UC President (January 3, 2000) regarding BAREC

"This decision was made singularly between your administration and the University of California, and slipped into the budget without any advance notification to either the public or us at large. This is truly an abominable process. We hope that you, your administration and the UC, will pledge never again to undertake such a surreptitious action. Given the surreptitious manner in which this deal was made between the UC and the Davis administration (i.e. the huge

budget document, at the last minute, with no notice to anybody - local residents, us, the local legislators that represent that area) this whole deal should be called off, and the process legitimately renewed with full public notice and involvement."

This was the last letter about this very undemocratic process. The governor never responded. This process has been continuing to erode community confidence in the political process as the State's consultants; the City staff and the City's elected officials have gotten more into the picture."

Senator John Vasconcellos and Assemblywoman Elaine Alquist in a follow-up letter to Governor Davis on March 9, 2000, since the letter dated January 3, 2000 went unanswered.

"I am very sorry to say it but many people believe Jamie Matthews is much to close to some developers."

A Santa Clara City Councilperson, April 23, 2003

"Tom Shanks of the Markula Center at the University helped the City along the 'ethical' process to our awards. This is no longer the same 'ethical' City Council as we had as recently as last year. The shadow of 'money influence' reaches out far and further than before."

The same Santa Clara City Councilperson, August 4, 2003

"Senate Bill 2099 requires that the State's Department of General Services make the property available to other State Agencies. A State agency could indicate it would like the property for its use and the property would be retained by the State. After State Agencies have been advised, it is offered to City and County agencies for their purposes or for one of three purposes: (1) the development of affordable housing, (2) the development of educational facilities, and (3) for parks and open space."

Dan Potash, State Department of General Services Consultant in charge of selling BAREC stated this at a Neighborhood Outreach Meeting on November 20, 2002.

NOTE: The Department of General Services has not followed this process required by law. It has not offered BAREC to many State Agencies nor to local City and County agencies. For example, the City of San Jose expressed an interest in the property in March, 2003, before the property was offered to a developer. Also, the University of California Department of Agroecology and Sustainable Food Systems is interested in the property only if it is kept agriculturally zoned. These are only two examples.

"Sustainable agriculture is under attack in the United States. At a time when the Bush administration is ballooning the U.S. defense budget to as much as \$500 billion for the 2007 fiscal year (a massive 48% increase since 2001), it is also

proposing to slash the modestly funded programs that help farmers transition from using pesticides to more sustainable or organic agriculture.

These proposed cuts are shortsighted, because funding organics provides big bang for the buck for USDA," observed Mark Lipson, Policy Program Director at the Organic Farming Research Foundation. While the U.S. market for organic products enjoys consistent annual growth of as much as 20% a year, Lipson points out that the United States is importing 90% more organic products than it exports. Lipson believes one reason is that U.S. farmers "are getting minuscule support for organic production," while other countries including Mexico and China are embracing the organic market trend."

Pesticide Action Coalition Newsletter, March 10, 2006

"I am surprised that our food supply has not been targeted by terrorists."

Tommy Thompson, President Bush's Secretary of Health and Human Resources, December 2004

"Hey, farmer, farmer, put away that D.D.T., now!
Give me spots on my apples
But leave me the birds and the bees, please!
Don't it always seem to go
That you don't know what you've got till it's gone?
They paved paradise and put up a parking lot."

Joni Mitchell, *Big Yellow Taxi*, 1969

"How do we know it's us without our past?"

John Steinbeck

The Center for Urban Agriculture at Fairview Gardens

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Introduction


The Center for Urban Agriculture at Fairview Gardens is a California non-profit organization that was established in 1997 to preserve and operate Fairview Gardens, the historic farm where our products are grown. Founded in 1895, Fairview Gardens is considered by some to be the oldest organic farm in southern California, and is now preserved in perpetuity through an agricultural conservation easement.


Fairview Gardens is situated in the midst of a growing suburban community in coastal southern California, surrounded on all sides by tract homes, shopping malls, and suburban thoroughfares. As a highly visible agricultural parcel in a dense suburban environment, Fairview Gardens plays a unique role in the community, providing its neighbors with food, educational and cultural events, open space and a connection to the land. The farm also demonstrates the economic viability of small farm operations, and the potential of small, regional farms to feed their communities.

"Fairview Gardens is a landmark, a source of comfort to all of us who love good farming and good food." --Wendell Berry

On our twelve and a half acres, we produce a hundred different fruits and vegetables, feed approximately five hundred families, and employ over twenty people. We also nourish the community in less tangible ways, through cooking and gardening classes, workshops, farm festivals, tours, lectures, apprenticeships, and outreach and consultation to schools and communities nationwide.

The Center's mission is to preserve the agricultural heritage of this 100-year-old farm; provide the local community with fresh, chemical-free fruits and vegetables; demonstrate the economic viability of sustainable agricultural methods for small farm operations; research and interpret the connections between food, land, and community well being; and nurture the human spirit through educational programs and public outreach both on and off the farm.

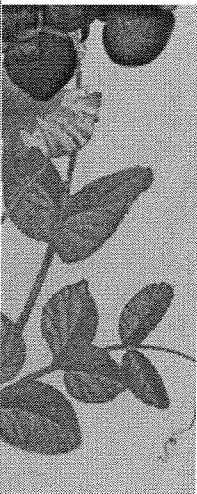







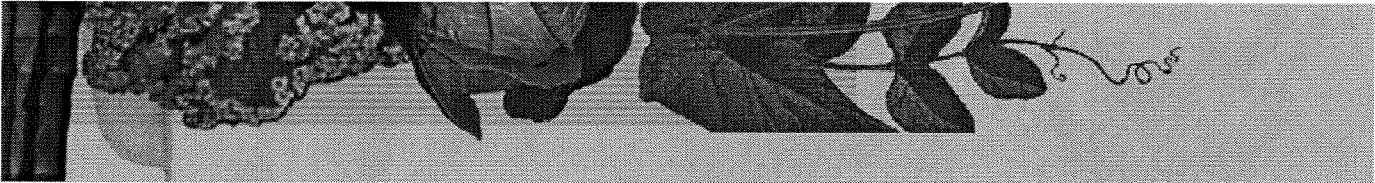
The Center for Urban Agriculture at Fairview Gardens

Based on one of the oldest organic farms in California, The Center for Urban Agriculture at Fairview Gardens has become an internationally respected model for small scale urban food production, agricultural land preservation, farm-based education, and the integration of farms and the communities that they serve. A grand experiment, spanning over 30 years, the farm and the non-profit Center have nourished and inspired thousands of people. We welcome you to journey with us through our fields and orchards, and into the foods, programs, publications and resources that we offer.



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Introduction

Hours

Our produce stand is open every day from 10 am until 6 pm.

The farm is open to the public for self-guided tours every day, from 10 am until sunset, except during rain and for three days after rain. We also offer guided tours of the farm, by arrangement.



Self-Guided Tours

For the adventurous farm tourist or the casual drop-in, we offer a self-guided tour with 23 different stations, each describing a particular aspect of the farm and our work. Our new tour features large, full-color interpretive panels with expanded text and color photos. The tour highlights the farm's crops and techniques, and includes information on larger agricultural and environmental issues such as biodiversity, soil erosion, and pesticide use, making it an excellent introduction to sustainable agriculture.

Self-guided tours may be taken daily, seven days a week, between 10am and sunset. Tours are not available during rain or for three days afterward to avoid soil compaction, or when a scheduled workshop or event is taking place. Please check with the produce stand, where the tour begins, and pick up a map before embarking.

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Guided Tours

Throughout the year, thousands of individuals, from pre-schoolers and home schoolers to college level environmental studies students, gardeners and food lovers, tour the farm.

Tours last from forty-five minutes to an hour and a half, depending on the age and interests of the group. We ask groups to book tours one month in advance. Fees vary depending on the size of the group and the length of the tour.

We cater each tour to the particular group, depending on its background, interests, and age level. To make the tour experience more meaningful and more complete, we encourage groups to view the film about us, '[Beyond Organic](#),' and to read the books [On Good Land](#) and [From the Good Earth](#), prior to their tour.

The Center for Urban Agriculture at Fairview Gardens

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Programs

As a community farm with an educational mission, we seek to nourish not only the body but the mind and spirit as well. Fairview Gardens' community programs include workshops, tours, lectures, cooking and gardening classes, apprenticeships, and outreach and consultation to schools and communities nationwide.





2006 Program Calendar

ONGOING

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Printable files require Acrobat Reader to open. [Click here](#) to download software.

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E-mail: mail@fairviewgardens.org

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GUADALUPE - COYOTE RESOURCE CONSERVATION DISTRICT

888 NORTH FIRST STREET RM. 204, SAN JOSE, CA 95112-6314
OFFICE (408) 268-6888 FAX (408) 993-8728 email: gcrd@pacbell.net

July 25, 2005

Mr. J. Frank Davidson
State of California, Department of General Services, Real Estate Services
707 West 3rd Street, Suite 6-130
West Sacramento, CA 95605

**RE: Guadalupe-Coyote Resource Conservation District's request to transfer
BAREC's ownership from the State to a non-profit and desire to annex BAREC**

Dear Mr. Davidson:

This week the Guadalupe-Coyote Resource Conservation District Board (GCRCD) met to discuss the Bay Area Research Extension Center (BAREC) on Winchester Blvd. in Santa Clara. The Board unanimously voted to:

1. Support keeping BAREC agriculturally zoned and in open space;
2. Annex BAREC into GCRCD;
3. Work with the State of California to determine the ways BAREC's ownership can be transferred to a non-profit so it will forever remain as open space and for the public good. We understand there has already been an offer by VIVA to purchase BAREC and this should be considered.
4. Create programs and alliances on BAREC that would enhance GCRCD's Mission Statement. A copy of our Mission Statement is attached.

The above is extremely important to our agency as it helps us to fulfill our state mandated Mission Statement. There is no other similar piece of land which has such a rich agricultural history in Santa Clara County and which could help us more.

Since the State is legally required to first offer BAREC to State governments and districts and did not and since GCRCD is a State/Regional Agency, the GCRCD's opinion is that we legally have the right to request the Department of General Services to halt your current BAREC plans and offer the site to us. Since the State did not offer BAREC to the GCRCD, we are requesting that you do so now.

We look forward to working with you regarding this very important historical land.

Sincerely,

Nancy Bernhardt for

Lawrence Johmann, President
Guadalupe-Coyote Resource Conservation District

The High Price of Cheap Food over lunch with Michael Pollan

HELEN C. WAGENVOORD May 2 2004 San Francisco Chronicle

If you're reading this on a fair Sunday, journalist Michael Pollan is probably in his garden. That's where he harvests a lot of his ideas for his award-winning books and articles on what's for dinner and how it got to our plate.

Orville Schell, dean of the UC Berkeley School of Journalism, persuaded Pollan, former editor of Harper's magazine and contributing editor to the New York Times Magazine, to move his family from their Connecticut farm to Berkeley to accept a newly endowed chair to teach science and technology journalism. Schell raves about Pollan's "food chain" journalism, crediting him with creating "a whole world of reporting that didn't exist before: covering the world of agriculture from womb to tomb."

Pollan, 49, is probably best known for his most recent, best-selling book, "The Botany of Desire: A Plant's-Eye View of the World," which profiles four plants that have played starring roles in human history: the apple, potato, tulip and marijuana. He exposes folk hero Johnny Appleseed as an importer of cheap hard cider to the weary settlers of the American frontier. He divulges that astronomer Carl Sagan did some of his best thinking while stoned. His book shows how these plants have played human sensibilities like a violin, seducing us into filling our fields and gardens with their species.

I met Pollan for lunch at Alice Waters' Chez Panisse restaurant. Chez Panisse serves up gourmet dishes made from local and organic foods and serves as a rebuttal to industrial agriculture in our fast-food nation. It seemed like the right place to discuss our country's mealpolitik.

Despite the fact that Pollan just moved to the Bay Area in August, when we meet at the restaurant in January, I feel a little like we've just walked into his neighborhood diner. "Hi, Michael," "Hey, Michael," "Hey, I just borrowed your book from the library" is the Doppler of greetings he receives from the waitstaff as I follow his tall, lean form to our corner table at the back of the restaurant.

Obviously, he's been here before -- his 11-year-old son learned his favorite way to fry Yukon Gold potatoes from Waters (boil and peel them, then fry them in olive oil) -- and the restaurant staff clearly likes him. Pollan's friendly. He grins broadly when he laughs. Dressed in a navy blue sweater, jeans, black tennis shoes, wearing dark-framed, round glasses and schlepping a red backpack, he looks like an older grad student rather than a famous writer whose articles have been making trouble for corporate food conglomerates.

One of Pollan's signature articles is "Power Steer" (New York Times Magazine, March 31, 2002), in which he buys a steer and details its life from calfhood to slaughter. He writes, typically, from the vantage point of a curious and open-minded John Q. Public. His interest in covering the beef industry was sparked by a drive past the choking stench and endless black sea of cows packed into Harris Ranch's feedlot off Highway 5. He was also morbidly fascinated by the "biological insanity" of the industry's practice of feeding cows to cows. As a result of his chronicling of a cow's journey from birth to steak, the market for grass-fed beef grew, Pollan was a key contact for journalists covering the beef industry in the wake of the recent mad cow flap, and his son lost his appetite for fast-food hamburgers.

Andrew Kimbrell, who directs the Center for Food Safety, an advocacy organization that watchdogs food standards and practices, said Pollan's article "Playing God in the Garden" (New

York Times Magazine, Oct. 10, 1998), in which Pollan plants Monsanto's genetically modified potatoes in his garden and digs into the controversies surrounding genetically modified crop plants, "brought more attention to the issue of genetically modified foods than any other article. We were suddenly contacted by members of Congress and philanthropists who had been absent on the issue."

Monsanto paid attention, too. Philip Angell, the director of corporate communications, issued a company statement saying Pollan's article lacked "a degree of objectivity, a commitment to the facts, and a willingness to consider the full range of viewpoints" and failed to cite scientists, agricultural experts or articles, which the company had provided Pollan, on the benefits of agricultural biotechnology.

When I ask him about Monsanto's statement (which the company has kept posted on its Web site for several years), Pollan has to be reminded of the charges against him. Then he starts remembering. The letter was, if anything, a relief to Pollan. "I thought, phew, I didn't get any of the facts wrong. There really wasn't any substantive criticism of my article." He suggests the letter may have been written by Angell to keep his job after he provided Pollan with the following quote for his article: "Monsanto should not have to vouchsafe the safety of biotech food. Our interest is in selling as much of it as possible."

Pollan's New York City-based agent was horrified by the prospect of Pollan's move to California from the East Coast, says Schell, who uses the same agent. Schell explains that New York's literati think a move to California places a writer at great risk of drowning in a hot tub or becoming soft and strange and taking up hobbies like yoga.

Pollan initially turned down Schell's job offer for different reasons (he was pretty happy in Connecticut), but upon closer scrutiny, he "decided this could be an interesting adventure. I saw some resonance between what I was doing, the issues I was focusing on and this part of the world." So he moved his family from their farm in rural Connecticut to a rambling house with a large kitchen they've rented in the Elmwood district. He has planted vegetables and herbs in the garden and is having to retrain himself as a West Coast gardener, a process he finds "daunting, weird and perverse."

After living in the country, his family enjoys being able to walk to everything. "I think I'm one of the few people who moved to California and started using his car less." His 11-year-old son recently exclaimed, "Dad, I love being able to walk around the block and actually see something." Pollan explains that in their home in Connecticut, "we could see a lot but it was mostly oak trees." His wife still spends her time looking at trees. She is Judith Belzer, a landscape artist he met when they were both at Bennington College in the late 1970s. She has been spending time with the coast live oaks. Through her paintings, Pollan has noticed "the quality of light is different here. The bark on the trees is so thin, perhaps because of the less brutal climate, it looks like skin. It makes the branches and trees look more animate. "

He and his wife edit each others' work: He will look at her canvases and comment on the parts that work; she in turn reads his drafts and gives him important feedback from the vantage point of "a true reader, that increasingly rare person who reads simply for the sheer pleasure and not because she's in the business."

Since the move, his family's grocery bills have gone up because it's now much easier to find things like organic non-homogenized milk and grass-fed beef, the type of thing he could only get from farmers when he lived in Connecticut. "It's a very seductive lifestyle here. In rural Connecticut, you had to work harder to find interesting people, interesting places to exercise, and interesting food. Here it's all just handed to you."

To start his lunch, he orders the Cannard Farm chicory salad with Dungeness crab, because "everything you get from Cannard Farm is great." Cannard farm, he explains, doesn't look like a typical farm; it is more "weedy. " Mingling weeds with crops adds vitality to the system, the farmer believes. Pollan's not too quick to scoff at this unconventional practice. In his first, award-winning book "Second Nature: A Gardener's Education," Pollan writes, "The successful gardener, I've found, approaches science and folk wisdom, even magic, with like amounts of skepticism and curiosity. If it works, then it's 'true'. Good gardeners tend to be flat-out pragmatists not particularly impressed with science."

Alice Waters appears at our table, her smooth, luminous face looking younger than her nearly 60 years. She has said on more than one occasion, without apparent jest, that she wants Pollan to run for president, with Eric Schlosser, author of "Fast Food Nation," as his running mate. Pollan demurs and jokes that neither of them have enough hair. As Waters and Pollan start talking about food and politics, it's clear that it's been an ongoing conversation. Then, Waters invites us down to sample some grass-fed beef with her staff after lunch.

Waters was so moved by a talk Pollan gave about grass-fed beef over a year ago that she pulled corn-fed beef from her menu. She was troubled to learn that feeding a cow corn, rather than the grass it has evolved to eat, transforms it from a solar-powered to a fossil-fueled animal. Corn requires more nitrogen fertilizer (made from natural gas) and pesticides (made from petroleum) than any other food crop. Furthermore, she learned, as he wrote in "Power Steer": "... many of the health problems associated with eating beef are really problems with cornfed beef," as he found out that the "meat of grass-fed livestock not only had substantially less fat than grain-fed meat but that the type of fats found in grass-fed meat were much healthier."

Making the switch, though, has not been easy for the restaurant. Grass-fed beef is more expensive, its quality inconsistent and the now-small industry faces challenges with distribution. So Waters is having a hard time finding beef that will make the cut. Pollan explains, "It's an issue where she wants to do the right thing, but with her commitment to quality it's complicated to do the right thing."

After lunch, we head downstairs, where the air is heavy and warm with the scent of platters of flank, skirt and ribeye steaks and spareribs. A table brims with a dozen plates of glistening, medium-rare strips of beef.

Since Pollan is full after the pizza he had after his salad, he playfully asks Waters for a spittoon "like you have at a wine tasting." She buzzes into the kitchen and returns to heft a large spittoon onto the table. He assures her he was just joking, but she's not laughing. "You may need it with some of these samples," she says grimly, as she also sets down glasses of Claret "for washing it down."

He turns to the plates with the vigor and confidence of a surgeon, cutting off chunks while staff at the next table look on and do post-mortems on which, if any, of the beef samples will make it to the menu. Pollan singles out his favorite samples and explains why he enjoys grass-fed beef. "I feel so much lighter after a meal of grass-fed beef compared with the 'assault' you experience with corn-fed beef. I also enjoy cooking my meat rare, and with grass-fed beef I can do that without worrying about the health risks."

The market barriers for grass-fed beef and locally grown organic foods are similar. Especially without the boost of subsidies, such food is simply more expensive. Proponents for industrial agriculture have glogged onto this issue, charging that organic foods and grass-fed beef are overpriced, overrated foodstuffs available only to an economic elite. Industrial agriculture and factory farming, on the other hand, they argue, provide America with cheap and widely available food.

One of the loudest defenders of this point is the Center for Consumer Freedom, which scoffs at what they characterize as Pollan's opposition to cheap food. The organization is funded by large food corporations, including Monsanto and Tyson. Pollan says the group was originally established to defend the tobacco industry but now rallies to the defense of food corporations. Regardless of the issue, their tactic is to attack the messenger. There are three articles on CCF's Web site slamming Pollan's journalistic credibility. A recent headline charged: "New York Times Magazine Writer Allies With Radical Food Activists," referring to a panel Pollan staged at UC Berkeley titled "The Politics of Obesity: Confronting Our National Eating Disorder," which examined the factors fattening the country, including cheaper prices for processed foods high in fat and sugar.

"The industrial food chain does produce food more cheaply, in terms of the price you pay at McDonald's or the supermarket," replies Pollan, "but the real cost of cheap food is not reflected in those prices. You're paying for it in your tax dollars because you're giving farmers \$20 billion a year in subsidies. You're paying for it in public health costs. These subsidies make unhealthy food cheaper than healthy food, and so our country is facing an obesity epidemic. The antibiotics you need for your son's illness don't work anymore because we've squandered them all on farm animals. We can't take fish from the Gulf of Mexico because of the nitrogen runoff from agricultural fertilizers. The people of Des Moines, Iowa, have to drink bottled water in the summer because their water is poisoned. Those are all costs. The phrase I use is 'the high cost of cheap food.' "

He doesn't really buy the elitism argument, either. "This is a point Eric Schlosser makes: A great many social movements begin with the elite. Just because a movement is elitist, we shouldn't dismiss it. The abolition and women's suffrage movements were 'elitist.' The elite have more time and freedom to deal with some of these issues. If a movement stays elitist, though, that's a problem."

In "Behind the Organic-Industrial Complex" (New York Times, May 13, 2001), Pollan examines the ingredients in an organic TV dinner while standing in the frozen food aisle of his grocery store, and then traces the evolution of the organic food industry from a fringe movement yielding dirt-caked fruits and vegetables sold by a few impassioned hippies to a widely available, often processed foodstuff produced by large corporations and sold by major grocery chains.

In the article, he quotes one of the pioneering organic farmers of the '70s, who is now a vice president at General Mills, Gene Kahn. Kahn explains his controversial career shift: "This is just lunch for most people. Just lunch. We can call it sacred, we can talk about communion but it's just lunch," and, "unless organic food 'scales up' it will never be anything more than yuppie food." Still, Pollan tends to side with the organic ideologues who think industrial agriculture and processed foods are counter to the true spirit of organic.

Pollan doesn't quite resolve how to bring more of this slow food to a fast food nation that is only speeding up, fueled by corporate powers of production and distribution. He does point out the power of the individual consumer and the importance of being vigilant about legislative decisions in Washington. It's also important to remember that this is journalism Pollan is practicing. Just journalism. Pollan leaves it to the reader to decide what should be done, although he will explain, with all the facts registered, that he's personally decided to favor locally produced, organic whole foods.

When I ask Waters why she thinks Pollan's writing is so effective, she pauses and chooses her words with the same care with which she chooses her produce: "He has a voice that is so unpretentious and so informed. Sometimes these discussions about food get too intellectual or too 'alternative.' But he has a voice that speaks to the mainstream and it brings along the intellectuals as well. It's his sense of humor and how he brings the reader along when he is exploring an issue."

He brings the reader along, in part, by using creative, hands-on approaches to research. In addition to buying his own beef calf to better understand factory farming, and planting a few genetically modified potatoes to compare them with his own bug-bitten spuds, he's planted poppies and spent several stress-filled months exploring whether he could be arrested for growing opium-producing poppies for ornamental purposes. He test-drove vegetarianism while he wrote an article about it.

But he didn't become a vegetarian. Pollan wears a leather jacket. He had braised shank of lamb for dinner the other night and he freely admits that he enjoys eating meat. "I looked at the environmental issues and I realized vegetarianism wasn't necessarily the answer. If we were all vegetarian, it would still require a huge industrial food system because there are parts of the country where you can't grow fruits and vegetables. For example, there are certain landscapes, like the rocky landscapes of New England, where animals are the best way to get protein from the land, not row crops. If you really want to conform food chain to place, meat has to be a part of it. We should be eating less meat, especially with 70 percent of our country's grain going to feed animals. Yes, we'd be better off with more vegetarians, but I'm not going to be one of them." At the end of the day, and at the end of most of his articles, Pollan doesn't believe in absolutist approaches. "We don't need one kind of food chain; we need 10. Monoculture is as much of a mental problem as an agricultural one."

His interest in the connections between food and the garden date back to childhood. In "Second Nature," he recounts growing up in a Long Island suburb, the only Jewish family in a Catholic neighborhood, with a father who refused to mow the front lawn, much to the chagrin of the manicured neighborhood (another seminal Pollan article is titled "Why Mow? The Case Against Lawns" published in the New York Times Magazine, May 28, 1989, in which he advocates replacing lawns with gardens). He was also influenced by his Russian immigrant grandfather, who started out selling produce from a horse cart but eventually made his fortunes in produce and then real estate. His grandfather "planted exclusively those varieties sold by the supermarket chains ... he preferred a (theoretically) marketable crop to a tasty one."

The editor at the New York Times Magazine, whom Pollan describes as "a great casting director" recognized how much Pollan's gift for making connections enriched his coverage and encouraged him to focus on food issues. Pollan observes, "The more I write about food, the more I'm surprised by where I'm taken. Writing about beef took me to corn, which took me to the Gulf of Mexico, which has become so polluted from nitrogen runoff from fertilizers, to the Persian Gulf, where we go to defend this oil supply that is the real feedstock of our agriculture. Twenty percent of our fossil-fuel consumption goes to agriculture; the average item of food travels 1,500 miles before it gets to your plate. Our food economy depends on a cheap energy supply. So what we are eating is connected with our involvement in the Gulf."

Science coverage is where political journalism was before Watergate, opines Pollan, "not nearly independent or investigative enough, and too reliant on scientists and their journals to determine what constitutes 'news' in the field ... [M]uch of what passes for journalism today never gets to the second step. The greater journalistic challenge is to place these developments in the proper ... contexts ... as when genetically modified crops are examined through the lens of ecology -- but also that of politics, economics, culture, history, business, etc. This is the direction in which I see science journalism evolving, and the prospect of speeding that evolution by helping to educate a generation of new science journalists excites me."

Pollan discussed his current book project at the end of our lunch, as he poured a cup of tisane from a clear glass teapot filled with hot water and gracefully floating leaves of lemon verbena. The book is "divided into three parts, each about a different one of our food chains. Each food chain has a farm at one end and a meal at the other." The first part covers the "industrial" food chain, "from a farm in Iowa to probably a meal from McDonald's or Kentucky Fried Chicken eaten in a car at 60 miles per hour." The second part is the "post-industrial" food chain, and he's not sure

what that will look like yet. The last part of the book will be the most personal, the "first-person food chain or hunter-gatherer." This will "cover the food you grow, hunt and catch yourself. That will get into the most intimate issue with food and our relationship to other species.

"It's great to be working on this book in Berkeley, at the university. My premise is that we're eating more corn. You can use the natural and social history of corn, that one plant, to illuminate the entire industrial food chain. Our sweetener is corn, our meat is all corn-fed and all of our processed food is basically corn- and soy-based. We've been cornified. It turns out there are researchers on campus able to study the nutritional composition of people's diets by taking a strand of hair or slip of a fingernail and analyzing where the carbon comes from. So we're setting up some experiments to test how cornified we have become. I don't think we'll use me, though, because I avoid so much of that food now that I'm less corny than I used to be."

I ask him what we all should be doing as we hunt and gather in the grocery aisles. "It's about asking questions and knowing more. The more you know, the better you become at making good decisions for your health and the environment," he says, "and the more you realize that those are not separate issues. The other day I saw a woman ask the person behind the meat counter if the salmon was wild or farmed. When she heard it was farmed, she turned around and left the store. That sends a very powerful message."

Helen C. Wagenvoord writes from Oakland and is often hungry. She eats local, organic food interspersed with the occasional bag of peanut butter M&Ms.

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Volume 16, No. 3

Dedicated to Preserving San José's Architectural Heritage

Fall/Winter 2005

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PAC*SJ's New Director



Megan Bellue

Meet Megan Bellue, the new Executive Director for PAC*SJ. Megan comes to us with a wealth of preservation experience and hit the ground running when she started with us in December.

Most recently Megan was an Associate Planner with the City of Sacramento, working closely on the review process of projects related to historic properties. She also reviewed Environmental Impact Reports, managed historic resources surveys and monitored their compliance with industry and federal standards.

While with the City of Sacramento she also interacted with the City's Design Review Preservation Board and the City Council.

Megan has over 10 years of preservation experience, including several years with the National Trust for Historic Preservation in Washington, D.C. While with the Trust she managed the Forum Online magazine and oversaw the expansion of that as a nationwide resource for the preservation community. She also managed the Preservation Leadership Training and other Trust training programs.

Her extensive preservation experience also includes serving as the Executive Director of the National Alliance of Preservation Commissions based in Athens, Georgia and with the Preservation Action in Washington, D.C.

PRESIDENT'S MESSAGE



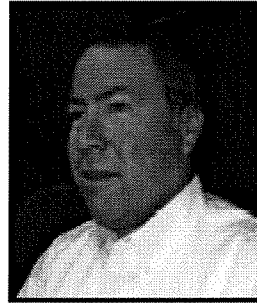
As my two terms as president of PAC*SJ come to a close, I am optimistic about historic preservation in San Jose. Our newly hired executive director, Megan Bellue, certainly adds to this rosy outlook. Looking back, we should feel proud of our many accomplishments. Most notably, saving the front office at the G.E. site, prevailing in two lawsuits

over the Fox-Markovitz and IBM buildings and providing a free movie night to educate the public about the history of the Valley of Hearts Delight. Also, we are partnering with the National Trust, local neighborhood groups and the city of San Jose to develop conservation districts. We are continuing our ongoing advocacy efforts to educate our city leaders as to the importance of preserving San Jose's rich heritage. Garage sales, salvage sales, two very successful gala events, a house tour, membership drives, grants and generous donations were integral to our success and financial stability.

I would like to thank all of the volunteers, businesses, Board and staff for their contributions. I would especially like to thank Joe Melehan who has served as acting president since September in my absence. I know with his wealth of experience in local business along with serving as Vice President and chairing the gala, house tour and film events, he is well prepared to be an outstanding president.

These events have been rewarding and successful. Having the opportunity to spend time with a wonderful group of individuals with a shared commitment to historic preservation has been priceless. But now is not the time to rest on our laurels. Our city's present administration undervalues our heritage more than any other time in recent history. We must work to keep them accountable through continued public education advocacy. Historic preservation helps define San Jose, instilling pride and promoting local businesses. Here's to you, PAC SJ!!

JIM ZETTERQUIST
PAC*SJ 2005 PRESIDENT



I would like to begin by congratulating our current President, Jim Zetterquist, on the outstanding job he has done as our leader for the past two years. Everyone associated with PAC*SJ should be aware of the strides we have made

towards enhancing preservation in our community. This is in no small part due to Jim's hard work and dedication. He brought new ideas, new events, and new passion to what often seemed like a steep, uphill battle.

Of course Jim could not have done this alone. He challenged our Board, membership and staff to work with equal enthusiasm to help preserve the structures that are such a vital part of keeping our magnificent history alive.

I believe we met his challenge. I hope over the next year you will continue to do the same.

This is an exciting time for PAC*SJ. The future is bright. We have great people as part of our organization. I welcome input from the Board, members and staff in an effort to reach our potential. I will need your help. I do not have a background in preservation, but I know PAC*SJ has, as a part of our network, this area's foremost authorities in that field.

I hope we will be able to replicate the successes we have had over the past few years. Together we can help make San Jose the place it rightfully should be.

The reason I became involved in PAC*SJ remains the reason I am still involved today: "Preservation is good for business".

JOE MELEHAN
PAC*SJ 2006 PRESIDENT-ELECT

PAC*SJs New Director

Continued from page 1

Megan earned a Master of Arts degree in History and Historic Preservation from George Washington University, Washington, D.C. and a Bachelor of Arts degree in History from UCLA.

From the moment of her appointment as Executive Director of PAC*SJ, Megan started familiarizing herself with PAC*SJ and our issues. Megan is looking forward to meeting PAC*SJ's many members and volunteers. Please join the Board in welcoming Megan to the San Jose community.

WELCOME MEGAN!



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Please submit your letters, comments and suggestions to
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Juana Briones House Under Threat

The California Historical Landmark No. 524, the "Juana Briones de Miranda House" located at 4155 Old Adobe Road in the City of Palo Alto is threatened with demolition.

Briones was the second owner of Rancho La Purísima Concepción, which she purchased in 1844 or 1845 for \$300. After a nearly twenty year battle to keep her rightful ownership, Briones was finally granted free title in 1871. She sold portions of the original 4,400 acre rancho to her children, but Briones continued to live in her home until the early 1880s. Her youngest daughter, Refugio Miranda de Mesa, received 40 acres from Briones, including the main house and out structures. The home was sold to Charles P. Nott in 1900, who significantly modified the structure over time.

A 1969 assessment of the Briones House, performed by a well-known architect and historian, Volney Chase, concluded that the living rooms and the stair hall were part of the original structure. The construction of the original house, built in 1846-1847, is not of the typical adobe brick style commonly used in early California, but a rare construction method that encased earthen adobe material inside a crate-style wooden framing. This construction style of the original one and a half story home was discovered within some of the interior walls. The Juana Briones de



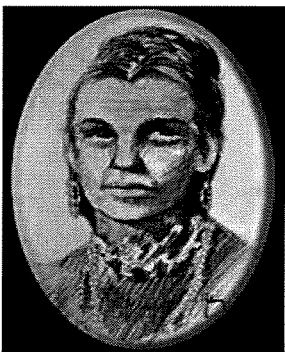
Juana Briones House

early California. She was one of very few Mexican women who purchased a land grant instead of inheriting it. Juana Briones built her own home, was an enterprising business woman, a rancher, a folk healer, and a noted humanitarian in the Santa Clara and San Francisco counties.

The Briones house is significant because it may be the longest continuously lived-in structure in Santa Clara County history and the oldest surviving structure on this side of Santa Clara Mission. The house was badly damaged in the 1989 Loma Prieta earthquake. The Juana Briones Heritage Foundation (JBHF) is attempting to purchase the property to prevent its destruction. If successful, there are plans to restore the house, develop gardens to study plants used by Briones, and perform archaeological work to uncover potential Ohlone settlements. ■

For more information and schedule of events visit www.brioneshouse.org.

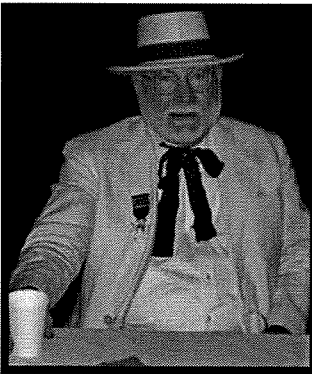
Source: Albert M. Camarillo, Professor of History, Stanford University and Doug Graham, Baron Park Historian



A likeness of what is thought to resemble Juana Briones.

Miranda House is a unique artifact of nineteenth century California. Not only is the style of construction of the Briones house historically significant, but also its owner was one of the few women land owners in

6th Annual Preservation Celebration Success



Preservation Hero Gentleman Jack Douglas wears his new medal while signing copies of his latest book.

Two hundred and fifty cowpokes and cowgirls enjoyed a balmy night at the History Park on September 24th. Outstanding entertainment featured Cowgirl Chryle, Cowboy Ron and Cowboys of the Old West who almost strung up the 2006 Preservation Hero Jack Douglas.

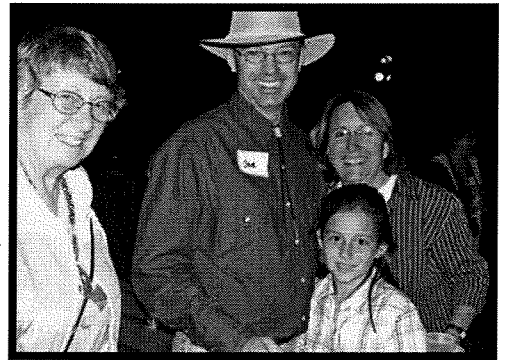
E Clampus Vitas (Clampers) members barbequed the meal served by San Jose State students from Alpha Phi Omega service fraternity. Many thanks to our partner restaurants: Henry's World Famous Hi-Life, Sam's Barbeque, Los Gatos Roasting Company and Hobee's. At 8:00 pm the Light Tower was illuminated, spreading a glow throughout the park. Board member Kayla Kurucz and the National Trust's West Coast Director Anthea Hartig conducted a special live auction raising funds for the Katrina relief.



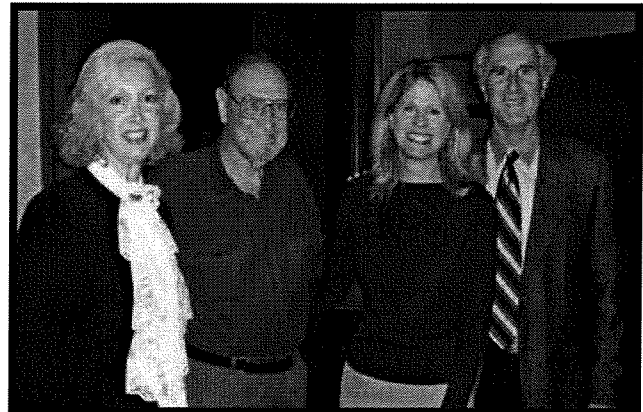
*Cowboy Ron and Cowgirl Chryle demonstrate their roping skills on the late Walter Brand, a dear friend of PAC*SJ.*

Watch our web site for pictures of Celebration live auction events as they occur: Deb Wible's Haunted San Jose, Leonard McKay's tour of his art collection at the History Park, Steinberg Architect Ernie Yamane's stroll through the new City Hall, Nancy

Newlins's lunch and tour of the Hayes Mansion, Kitty Monahan's tour of the New Almaden Quick-silver Mines as well as tours by Tom McEnery and Alan Hess. And of course Maria Brand's ever popular 5-course German dinner will be eagerly anticipated.



The Flynn Family discuss dinner plans with Maria Brand who donated a German dinner for six for the Celebration Auction.



A Celebration Auction Event: Lunch with Deb Wible, Leonard McKay, Tracy Thorpe, and host Tom McEnery.

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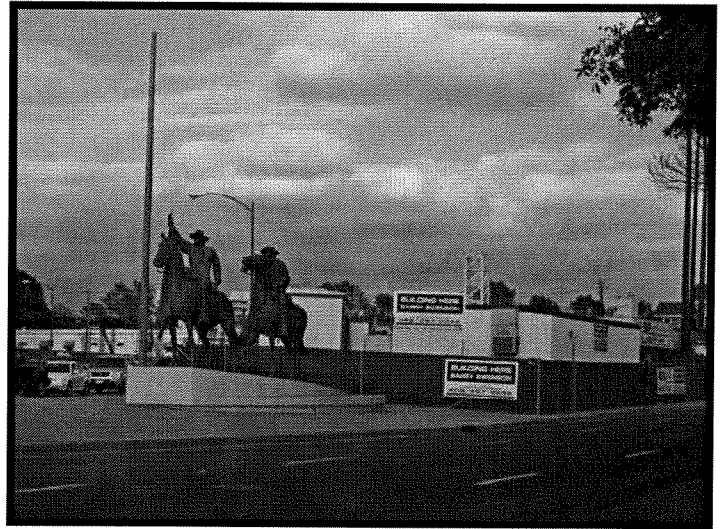
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Where's Pellier Park?

In July 2005, Pellier Park, a San Jose City landmark, was demolished. Barry Swenson, the developer of the parcel immediately east of the park asked and received permission from the city to scrap the park in order to use the site as a staging area for the construction of Park Towers, a new residential development. Mr. Swenson will rebuild the park as part of his agreement with the city.

What is the problem you ask? Clearly, the park has fallen into disrepair and needs to be rehabilitated anyway. The problem is that a new park proposal was never presented to the San Jose Historic Landmarks Commission, nor was a request for demolition brought to the Commission. No one in the historic community even realized the park was threatened. Projects impacting City landmarks are required to come to the Commission for review. Somehow this project fell through the cracks.

So where are we now? Before we go forward, we need to go back into the history of the park. The land for the park was offered to the City of San Jose by the Pellier family for half its value in an effort to honor their ancestors, the Pellier brothers, who introduced the prune to the Santa Clara Valley. An effort to raise the funds to purchase the land was spearheaded by Leonard McKay and Jim Arbuckle. Their idea was to turn this small piece of land into a prune orchard reminiscent of the valley's heritage. Successful in their endeavor, with



Looking at what was Pellier Park, behind the Fallon Statue

help from many volunteers and donors, Misters McKay and Arbuckle raised the money for the land and the park. Pellier Park was donated to the City of San Jose during the City's Bi-Centennial in 1977. The park was also made a City Landmark that year.

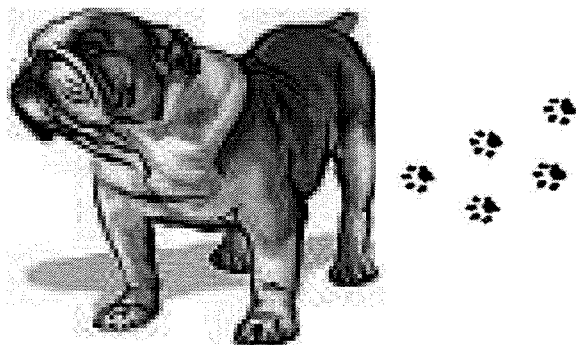
So, now for the now, the City of San Jose has recognized its mistake and is going to take the design of the new park back through the proper channels. A steering committee has been formed consisting of Leonard McKay, Bonnie Bamburg (an early supporter of the original park), Historic Landmarks Commissioner, Pat Columbe, Parks and Recreation Commissioner, Jim McDonald, a member of the Pellier family and several members of Preservation Action Council**SJ*. The purpose of the steering committee is to develop a park design that incorporates the original intentions for the park. Once the steering committee has developed the preliminary design, community meetings will be held to elicit public input. The design will then be reworked to incorporate the public's suggestions. The next step will be to take the park design to the Landmarks Commission and the Park and Recreation Commission for their input, and hopefully, approval. The City Council will give the final approval. It is anticipated that the final park design will go to the Council in early spring.

(Continued on page 7)



Fences, signs, and trailers where the park used to be.

THE DOG



Sleeping dogs, awake! Balmy fall days induce us into relaxing our vigils, and what happens! Another "whoops!" from our dedicated city staff when Pellier Park was demolished without Landmark Commission or public input! Now staff says the process broke down, they're sorry, but they'll make it all well by coming forward as if the issue were just being proposed! Now does that sound like business as usual or what! Gr-r-r-r! Proves we'd better get off our haunches and raise a mighty howl about not following due process, whether a project is warranted or not!

This ol' dog also thinks we'd better keep a wary eye out as we head into the holiday season, a time when our two-legged leaders think our attention might be on treats instead of preservation issues. Will IBM Building 25 suddenly collapse due to an ill-fated wind from Lowe's direction? And doggoned if they aren't still wondering if Mirassou Winery is historically important and worthy of landmark status! These two gems are icons of early businesses in our fair city, practically our reason for being.

There's some good news; must give credit to our esteemed leaders for arranging neighborhood forums to give our citizens the opportunity to chime in on what they think would be good for their neighborhood. Let's hope those leaders aren't just tossing out bones in hopes it'll keep barking dogs quiet.

And a 3-bark salute to the proposed purchase of what is known as the "Downtown Ballpark" site, provided this isn't a

(Continued from page 6)

Once all the approvals have been given, Barry Swenson Builders will begin construction of the turnkey park which will then be given back to the City. The end of the story should hold a bright future for a much neglected park: a park once again worthy of honoring the contributions of the Pellier family. ■

Judi Henderson

boondoggle, with San Jose's top dogs tying up the 13-acre site only for a future ballpark, which may never happen. Open space would be nice, but not another high-rise housing/office/retail development. That site included Stephen's Meat Products, which sadly was closing down after 63 years of supplying the best doggoned sausage products in San Jose. But it's not the end of the Stephen's name since respected Bassian Farms will produce Stephen's Meat products and sell them at Willow Glen Meat and Smokehouse. Hope the Stephen's piggy sign ends up some place where the public can enjoy it.

On the other paw, as the Murky News pointed out, the cost of hiring outside investigators to look into the ethics of the city's top dogs is very high! The Norcal and Cisco fiascoes alone are reducing our coffers by about \$250 thou, which could have bought a lot of kibbles and bits! Too bad those involved didn't reveal the whole story in the beginning.

Us ol' dog columnist's ranks are thinning, or maturing, if that's politically correct. Time to make room for the young pups waitin' in the sidelines. Biggest loss is the retirement of my ol' friend and fellow columnist, Leigh Weimers, after 47 years of keeping us informed. Weimers wrote his last column in mid-November, with plans afoot to relax, travel, and leave the drivin' to someone else! Leigh "skipped to the lou" right out the front door! We'll miss his concise take on the state of our fair city and its denizens.

Speaking of "lou" San Jose is also losing one of it's oldest dining cum watering holes when Lou's Village throws in the towel after many years of satisfying the palates of the most discerning. No doggy diner establishment, although they were kind to all sad eyed, four-legged beggars! Sad to lose this venerable establishment; will be many more years, if ever, before the multitude of new eateries can come close to earning the "venerable" title.

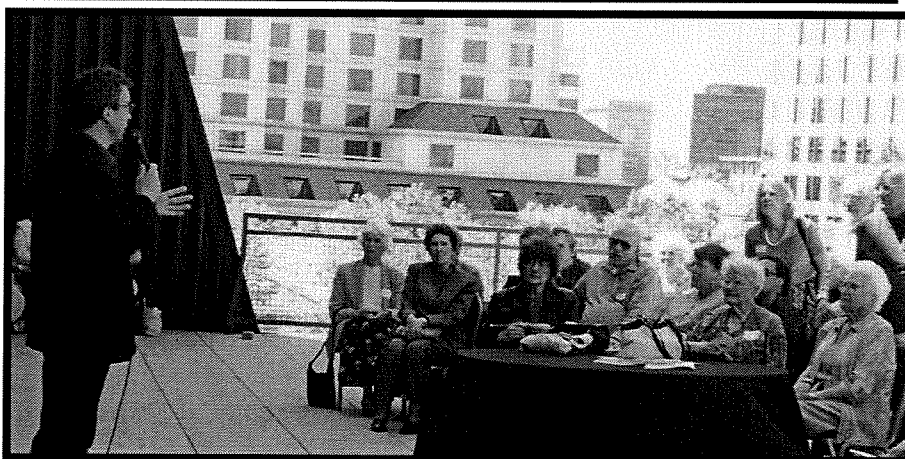
But Lou's isn't goin' out with a whimper! At the time this column was being written, a concert to benefit Hoover Middle School's music program was scheduled for the Saturday after Thanksgiving. A worthy cause, and the concert features some of San Jose's home grown performing groups, including the Jim Salata and Dan Orloff garage band as the opening act. Now THAT rocks!

Well, you win some and lose some. We lost Stephen's Meats and Lou's Village, but gained a new hot spot. So I'm gonna' trot on over for a visit to the Poor House Bistro on Autumn Street. Nawlins in San Jose? I love a good jambalaya, no bones about it! See you there!

THE DOG

The Winchester Ghost Stories Revisited

The World Premier of the new musical, *The Haunting of Winchester*, was produced by the San Jose Repertory Theater in September of 2005. This musical was written by local composer, Craig Bohmler and librettist, Mary Bracken Phillips. On September 11th, PAC* SJ partnered with the Pioneers of Santa Clara Valley to hold a reception on the veranda of the Rep featuring interesting perspectives on Sara Winchester and her unique house, from Leslie Dill (architect), April Halberstadt (historian/author), and the Director of the musical, Michael Butler. After the reception and delicious finger food, members thoroughly enjoyed the creative and exciting performance of the musical. The script, music, set, lighting, and acting were excellent and the function was a great success. See pages 14 and 15 for excerpts of the historic perspectives presented by April Halberstadt at the reception. ■



Director Michael Butler provides details of his new musical.

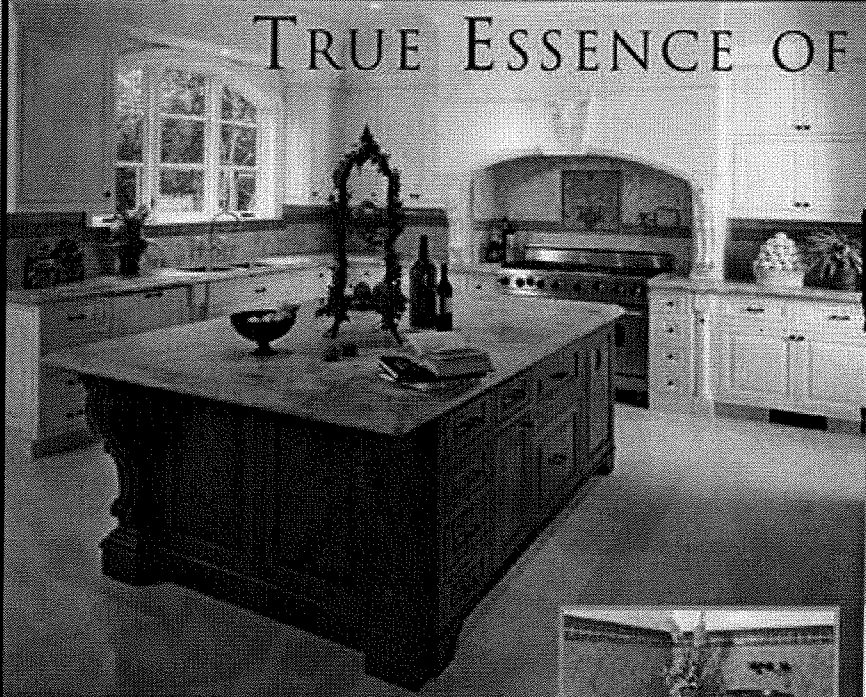
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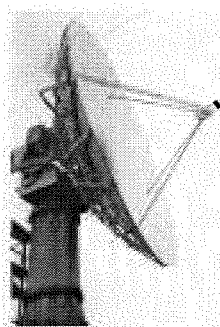
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ON THE RADAR



Mirassou Winery

The San Jose Historic Landmarks Commission voted at their November meeting to include the Mirassou Winery site on the Historic Resources Inventory. The Commission also recom-

mended that the site become a city landmark. Councilmember Cortese is very interested in making the site a landmark and is looking for ways to raise money to fund the historic report that must accompany a landmark nomination.

Continental Can Company Building/Tri Valley Cannery

Trammel Crow Residential has acquired the Continental Can Company site and the former Tri Valley Cannery with the intent of building residential housing. Both sites are on Taylor Street between N 10th Street and the railroad tracks. The proposal for the Tri Valley building is to demolish it and build a new residential development with a small park on Taylor Street. The plan for former Continental Can Company building is to preserve some of the brick building and add a third story. The Continental Can Company Building has some lovely original windows that are not proposed, at this time, to be saved. PAC*sj will continue to follow this project closely.

Houghton Donner House

Keith Watt is in the process of selling the Houghton Donner House site. A nonprofit housing organization is interested in relocating the house to a site they own on N 4th Street. The nonprofit would rehabilitate the house and use it for its offices. Barry Swenson Builders is proposing to build a 200+ units residential tower on the Houghton Donner House site. PAC*sj's position is that the house should remain on its present site. This is consistent with the position we took when the city was proposing that the house be moved as part of the City Hall garage project.

Downtown Ball Park site

The City Council voted to purchase the Stephens Sausage Factory building and to conduct preliminary studies on a site just north of the Arena to determine the feasibility of using the site for a downtown ball park. The city would be interested in bringing the A's baseball team to San Jose if that opportunity presented itself. If the city is not successful in this venture, the site would be used for housing. The actual boundaries are: W. San Fernando Street, Autumn Street, Park

Street and the railroad tracks. A historic resources report is being prepared which will evaluate the structures located within the boundaries to determine whether any have historic significance.

Congratulations to United Neighborhoods of Santa Clara County

Congratulations on a very successful conference on November 12, 2005. Participating neighborhood activists met in the new City Hall for the conference and then had lunch in the new City Hall rotunda. Subjects ranged from "Can We Have Open, Honest, Ethical Government without Sunshine Laws" to "Successful Neighborhood Partnering with Schools and Businesses." Many of the issues UNSCC has are the same ones PAC*sj has: a good opportunity exists to partner with them and address some of these concerns together.

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NATIONAL TRUST LEADERS FIND THEIR WAY TO SAN JOSE

PAC*SJ hosted a day long meeting of dignitaries from the National Trust for Historic Preservation last October including Stanley Lowe, Vice President of Community Revitalization, Dr. Anthea Hartig, Executive Director of the Western Office, and Mike Buhler, Program Officer /Regional Attorney. The Community Revitalization oversees Trust programs which encourage and assist efforts to bring new economic vitality to historic residential and commercial neighborhoods. The first San Jose tour took our visitors to the 13th Street neighborhood, led by historic architectural consultant, Franklin Maggi and Board member Sherry Hitchcock, chairperson of PAC*SJ's Service Learning Partnership. Next, a tour of the River Street Historic District was led by Patt Curia, PAC*SJ board member, and historian April Halberstadt.

PAC*SJ received a Preservation Development Initiative grant funded by the John S. and James L.



*Nat'l Trust Visit: left to right: Sherry Hitchcock, PAC*SJ, Mike Buhler, NTHP, Jim Zetterquist, PAC*SJ, Anthea Hartig, NTHP, and Stanley Lowe, NTHP.*

Knight Foundation. Working in partnership with the National Trust, we are developing a model to help neighborhoods to better understand their history, the architectural uniqueness of their homes, and move towards the establishment of historic or conservation districts, if desired by homeowners. San Jose is one of only 8 cities in the U.S. chosen to participate in this grant.

Sherry and the Trust visitors also met with John Weiss, Deputy Director of the San Jose Redevelopment Agency and Kip Harkness, Strong Neighborhoods Initiative Manager who agreed to partner with PAC*SJ and the Trust for neighborhood surveys and other opportunities. All parties agreed to work together to preserve San Jose's history and continue to build a vibrant city. Dr. Hartig, Mr. Lowe and Mr. Buhler then attended the PAC*SJ's monthly Board meeting and confirmed their enthusiasm for working with San Jose to protect its large stock of beautiful historic homes, and promote economic development. Readers wanting more information about the neighborhood outreach project called the Service Learning Partnership, should email info@Preservation.org. ■

Sherry Hitchcock and Patt Curia



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PAC*SJ CALENDAR

January	16	Monday, PAC*SJ Board Meeting, 6 - 8 pm , Le Petit Trianon, 72 N. 5th Street, San Jose.
February	20	Monday, PAC*SJ Board Meeting, 6 - 8 pm , Le Petit Trianon, 72 N. 5th Street, San Jose.
March	20	Monday, PAC*SJ Board Meeting, 6 - 8 pm , Le Petit Trianon, 72 N. 5th Street, San Jose.


Palm Haven Restores Historic Pillars!

The 7 pillars erected in 1913 at the opening of the Palm Haven residence park have been fully restored! It has taken 4 years of fundraising and volunteer work to reach our goal. And thanks to all of our supporters from PAC*SJ as well as many others, the pillars return to their rightful place adorning this unique Historic Conservation Area of San Jose. A special thanks goes to Norman Finnance (preservation specialist and PAC*SJ Board member) who has guided the restoration process with an extraordinary amount of patience, attention to detail, and care. With the pillar lights fully functional, they set the tone for this historic neighborhood at night. Come visit us sometime to see this bit of history come back to life!


Thanks again to everyone who helped and have a great holiday!

Michael Borbely


President, Palm Haven Restoration Committee



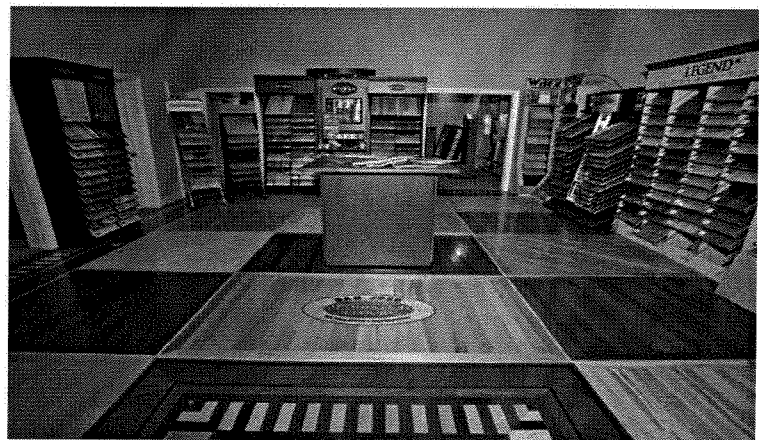
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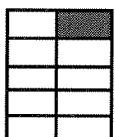
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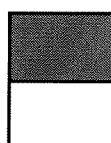
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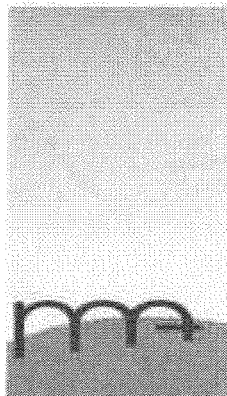
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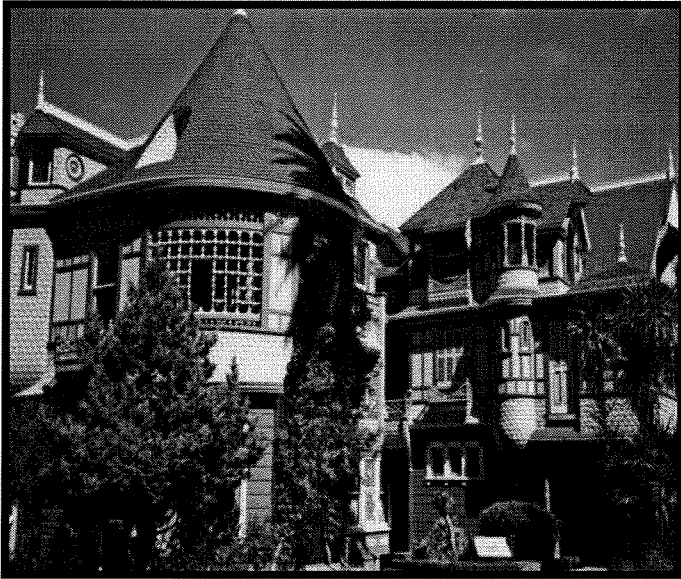
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Haunted By Sarah



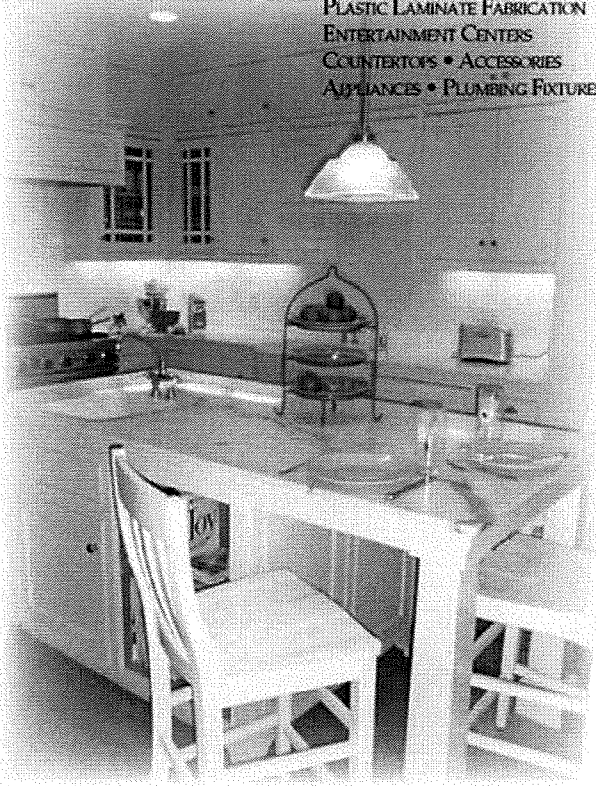
Victorian turrets and towers of the Winchester house.

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Why are we still haunted by Sarah Winchester? She died in 1922, nearly 85 years ago. What is it about Sarah that intrigues us and makes her such a special character in our local history?

She is, after all, not the only incredibly rich Santa Clara Valley matron who built an incredible mansion and was in touch with the spirits. Mary Hayes Chynoweth kept Sarah company with another fabulous mansion in Edenvale, built about the same time as Sarah's "Mystery House". There are many other comparisons that can be drawn between these two ladies, both prominent Valley figures around 1900 but it is Sarah that we seem to take to heart today.

As a matter of fact, at that time Santa Clara Valley was becoming home to many wealthy residents. Most of them, like Sarah, had several houses and built their fancy country houses on large fruit ranches. We quickly recall the "ranch" life of Jane Lathrop Stanford. If we think about it, a dozen others might come to mind. San Francisco millionaire George Hume, for example, built the 600-acre Glen Una ranch near Saratoga into the world's largest prune operation. Like Sarah, he generated his own electricity and had a fire protection system. The list of other wealthy local investors is substantial.

Maybe we are haunted by the spooky billboards with the large Death's Head advertising the Mystery House. Sarah has had some phenomenal marketing, grabbing our attention with that large black skull, every time we drive the freeway. Poor Sarah, we say to ourselves, she had such bad luck. It is strange, because I do not recall how I came to that conclusion about Sarah.

Sarah is not a figure that is found in our local history books. That relative obscurity is one of the many interesting aspects of Sarah's persona. There is almost nothing written about Sarah, and what little there is, is highly suspect. Various sources give her birth date anywhere from 1837 to 1840. Little is known about her early years but hearsay. She came to Santa Clara Valley about 1884, when she was in her mid-40's. Some say she came for her health; others say that she already had friends or family in the area. At this time, there is still no accurate biography of Sarah, although local historian Maryjo Ignoffo is currently working on a book that may come out next year.

Haunted By Sarah



Sarah Winchester

We hear that Sarah felt compelled to make constant additions to her mansion but the reasons for the ongoing construction are never clear. We hear that Sarah was in poor health; some say it was rheumatoid arthritis that crippled her and forced her to devise the tiny stairs and other strategies that allowed her to remain independent. Others have different opinions regarding her health.

Local stories about Sarah always speak of her with great kindness. People in the Valley who knew her, or who recall their grandparents speaking about her, say that she was a very kind and generous person. She comes to us as being a caring person, despite being something of a recluse. The reputation of affection and generosity is important to consider. We really know very little about Sarah, but somehow we have taken her to our hearts and think kindly of her.

We are told that Sarah was haunted by the spirits of those killed by the Winchester rifle, so we should probably talk a little about the importance of this invention. There were two very significant mechanical devices developed for personal use in the late 19th century. Both were manufactured in the industrial areas of New England, both were constantly improved and both had many patents issued. And both were subjected to years of litigation on various patents. The two items were sewing machines and personal firearms, and we find both devices listed and taxed specifically in the Santa Clara County tax assessment roll of the time.

The Winchester Model 1873 rifle was probably the most popular firearm used in Western America. It had some extraordinary advantages when it was introduced and it quickly became a very popular weapon. First, it was a firearm that used the same size ammunition, 38-calibre, as many of the popular handguns of the time. Gun owners could use the same ammunition for both weapons, a great convenience. It was also a repeater, like a handgun. The Winchester was the first rifle that fired more than one

was very reliable and it was very inexpensive. These two more qualities contributed to its tremendous popularity. The parts were interchangeable and the rifle could be repaired easily.

More than 500,000 (half a million) Winchester Model 1873 rifles were produced by 1900 and this rifle was still manufactured in 1923, a year after Sarah's death. Like Henry Ford's Model T, the Winchester was not the finest rifle on the market during its time, but it was reliable and affordable. It was never a military weapon; it was however, used widely by civilians for both hunting and for personal protection. It has remained such a popular firearm that it is currently licensed for manufacture and you can buy a copy today.

So why am I haunted by Sarah? Because I still find her myth stronger than her reality. Because she seems to be a very genuine individual, someone with strength as well as some interesting flaws. Because she seems to be both modest and famous at the same time. Because history and literature's most memorable characters are not elected officials or paragons of virtue but people who appeal to our hearts for their character. That is why I am haunted by Sarah. ■

April Halberstadt



Switchback staircase in Winchester house.

Historical San Jose Woman's Club

In 1894 nine women gathered in San Jose to discuss the possibility of a "woman's club". The consensus was that a club should be formed in San Jose whereby members, regardless of creed, nationality or position, could engage in cultural, philanthropic and charitable activities. Through their efforts, San Jose Woman's Club was formed.

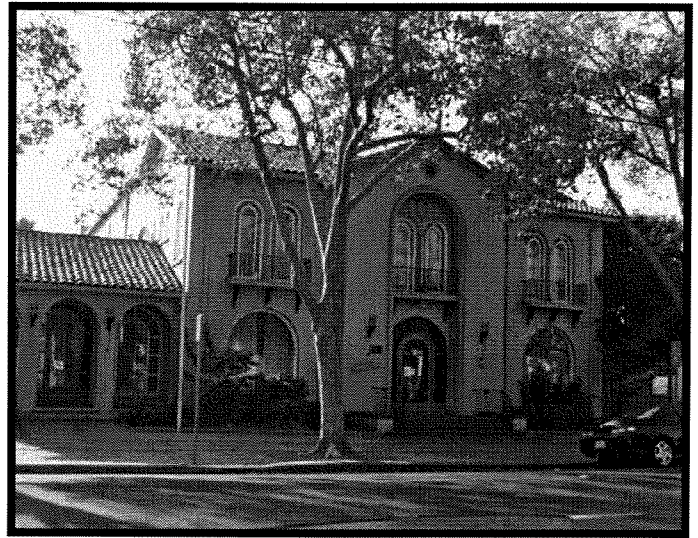
By 1902 the membership had grown to 81 members who were full of enthusiasm over the new club. With a promotional idea in mind, they had the following printed on the first page of the yearbook:

Something of interest to women everywhere.

San Jose, California, the "Garden City of the Pacific Coast" as it is formally known, is the paradise of children. It is surrounded on every hand by beautiful mountains and forest scenery. The climate is unsurpassed. The winds blow soft and warm. The rains fall in gentle showers. The sun never burns, but tempts the children to outdoor sports almost every day of the year. Fruits of every variety are grown here in abundance and are delicious and wholesome. San Jose is the musical and educational center of California. Your children can commence with the best of kindergartens, and having covered all the intermediate ground, finish their education at one of the greatest institutions of learning in the land, the Leland Stanford Junior University, and they may be at home under your watchful care each night. The people of San Jose are cultured, refined and hospitable and they unite with the San Jose Woman's Club in extending a cordial welcome to all strangers, homeseeking, especially.

The first club building was purchased in 1906 and was located at 43 South Third Street. The membership grew steadily and a large lot was purchased at 75 South Eleventh Street for a new clubhouse. In 1929 the large Spanish style clubhouse was completed and the San Jose Woman's club had a beautiful new home. The club's building contributes to the club's longstanding history. In 1986 the clubhouse was named Historical Landmark No. 32 by the City of San Jose. Various features of the building—including graceful arched windows, vaulted ceilings, and stenciled ceiling beams in the ballroom, were attractive designs created by promi-

nent San Jose architects Carl J. Wolfe and William E. Higgins. Other original features include iron chandeliers and historic wood-fired tile on the staircase. The ballroom features a grand piano on the stage and holds 450 for dancing or 350 for dining. There is a Tea Room, Fireplace Room, Board Room, and Office plus a large entry with comfortable sofa and chairs. There is a pantry kitchen as well as an updated professional kitchen.



San Jose Woman's Club at 75 11th St., San Jose.

For many years the clubhouse has been available for rent, and since the refurbishing, has been a popular venue for wedding receptions, meetings and programs of all sorts. This has allowed the club to upgrade the facility continuously. Through fundraisers the club is able to give three \$2,000 scholarships to students at San Jose State University and several thousand dollars each to cultural and charitable organizations in San Jose. ■

**Alma Taylor, Publicity Chair
SJ Woman's Club**

Summer Garage and Salvage Sale a Success

Summer Garage and Salvage Sale Earns \$5500 for Educational Efforts

What garage sale offers free coffee, fruit, and cake as well as a chance for dogs to exchange hellos? PAC*SJ's antique and garage sale bonanzas do just that!

Naglee Park neighbors remain the staunchest supporters and shoppers of the PAC*SJ Salvage and Garage Events. Many donations were delivered throughout the sale weekend in August forcing many bargain hunters to return several times. Our sales always feature the very ordinary as well as the very arcane thanks to members and neighbors donating those special and reusable items. The Dworak family recently remodeled its home and donated a mint condition dining room set, rugs, lamps and bed frames. We also received several boxes from two estates that included many vintage items such as mid century kitchen canisters and cleaning products, gardening tools and linens.

Volunteers are always needed to assist in sorting, selling and loading of larger items.

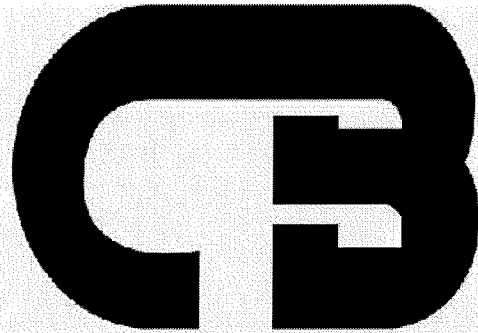
Please save your useable items for the next sale in spring. Many thanks to Rebecca Evans and Jane Guinther for their culinary efforts. We remain in debt to Patt Curia and the Salas family for use of their properties for these very large community events.

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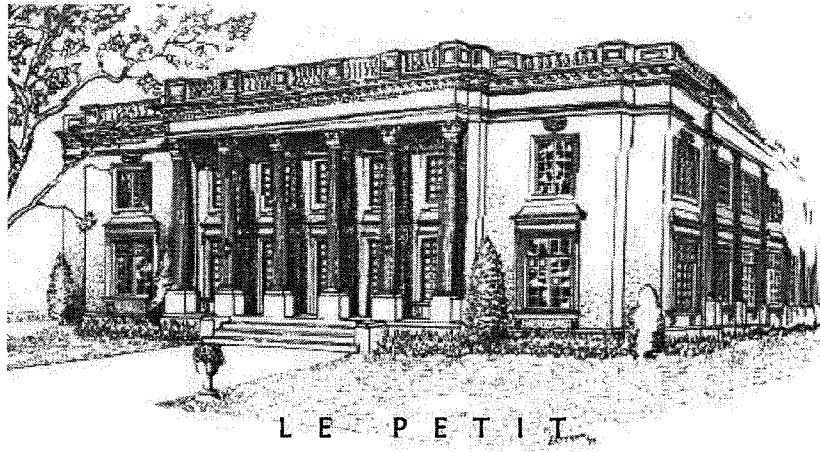
*PAC*SJ member Beth Wyman helps shoppers like new member Cici Green and the members of the Engine 8 team at the August Garage Sale.*

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*Noelle Hancock, Jane Hancock, Tom Hancock, Bill Hancock,
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THEY LEFT THEIR MARK: BIRGE CLARKE: ARCHITECT OF PALO ALTO

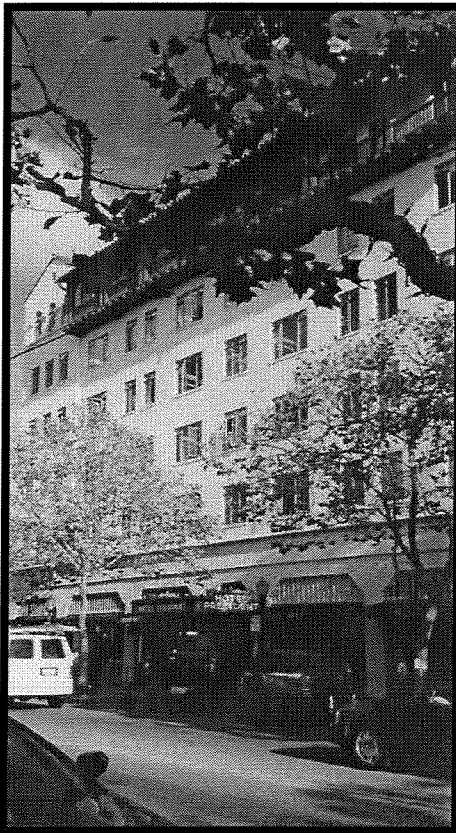
Few architects have had the opportunity to dominate the architectural landscape the way that Birge Clarke did in his shaping of the city of Palo Alto. He was born (1893) and raised in Palo Alto, and attended Stanford University where his father was head of the art department. Birge went on to Columbia University for his architectural degree, graduating just in time to be drawn into World War I, where he served as an aerial observation balloonist. He was awarded the Silver Star after parachuting to safety when his balloon was shot down.

After the war, Clarke set up his office in the village of Palo Alto, and for many years was the only professional in the area. He is credited with designing almost 500 structures, many of which, particularly those in the downtown area,

the Chicago World's Fair in 1893, and it was further developed by Bertram Goodhue at the Panama Pacific Fair in San Diego in 1915. The integration of patios, gardens and adobe-like plaster walls all lent themselves to our peninsula's mild climate. The Palo Alto home that Clarke designed for Charles and Kathleen Norris is another excellent example of his work in this genre.

Clarke's reputation as a local boy with strong connections to Stanford and the Hoovers made him a leading candidate for important downtown Palo Alto structures and civic projects. Some of his

Continued on Page 20



The President Hotel is located in Palo Alto on University Avenue.

have landmark status. One of his earliest projects, done in conjunction with his father and Lou Henry Hoover (wife of the future president) was a residence for the Hoovers on the Stanford campus. The result was a romantic structure in what Clarke described as the "Early California Style." This style, now referred to as "Spanish Eclectic" had its beginnings at

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Historical Highlights of Santa Clara County!

Threatened: Agricultural Asset Since the 1920's

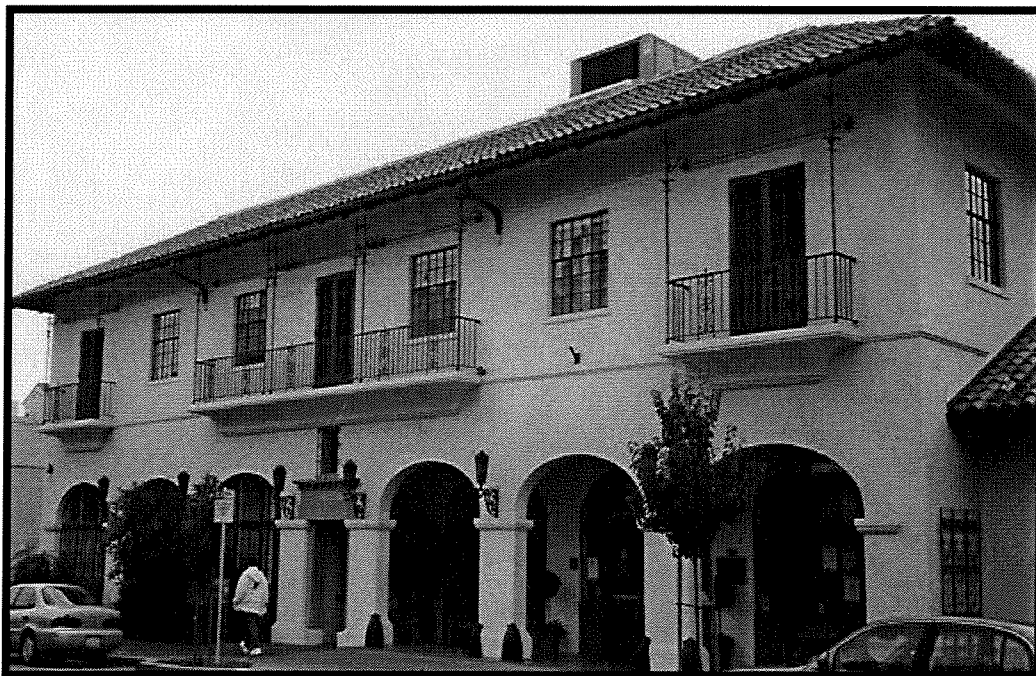
The Bay Area Research and Extension Center (BAREC), was formerly a University of California Agricultural research site. BAREC is located at 90 N. Winchester Boulevard and consists of 17 acres of "agricultural zoned" land that has been an agriculture asset for the community, the state, and the country since the 1920s. The BAREC site has ties back to the Civil War and even housed children with physical and mental disabilities.

"Save BAREC" is a collage of volunteers drawn from concerned citizens, educators, activists, and professionals, who volunteer to reclaim this abandoned agricultural site and put it back to productive use for the benefit of current and future generations. They want this urban agriculture land to be the example for sustainable living, including many community programs, food sources, and education, while capturing all of the vast amounts of history the land has experienced over the past 150+ years. They suggest that specific areas will be dedicated for fruit orchards, row crops, berries, vegetables, dense bio-intensive farming, a "hands on" children's garden, a landscape training and demonstration center, a native plant area, a visitor's center, and museum.

Continued on page 21

BIRGE CLARKE: *Continued from page 19*

most significant buildings include: The President Hotel on University Avenue; the Post Office on Hamilton; the former Police and Fire Building at 440 Bryant; the Lucie Stern Community Center and the Spanish-style block of 500 Ramona Street. Many of the commercial buildings along University Avenue were also products of his drawing board.



The former Police and Fire Building on Bryant Street in Palo Alto.

Although Birge Clarke will always be remembered for his Spanish Eclectic makeover of Palo Alto, he also did numerous residential designs in other styles, the Moderne, for example, later in his career.

His was a long and productive life. While traveling in Egypt in 1989 (at the age of 96) he died suddenly of a stroke. A local hero during his lifetime, Clarke's name is still legend in our area's architectural history.

■ **JACK DOUGLAS**

Threatened: Agricultural Asset Since the 1920's

Continued from page 20

The 17.5-acre parcel on Winchester Road in Santa Clara was a home for widows, children and orphans of Union Veterans from the Civil War. Later, it became a facility for the care and training of disabled children, contributing important research in the areas of dealing with child disabilities such as blindness and hearing loss. These early



The Research Building was constructed in 1922, using local redwood.

housing structures and medical facilities were demolished in the mid-1960's.

In the 1920's, the present building at 125 Santa Clara-Los Gatos Road (90 North Winchester Road) was completed. Designed by University of California Davis Architectural students and constructed of redwood from Sanborn Park in Saratoga, the building was occupied by University of California researchers until 2002 when the facility closed and was returned to the State of California. During those days of agricultural research, both Shasta and Lassen strawberries were developed at the property and others, including Fresno and Tioga followed with better flavor. Research continued with tomatoes, and smog control issues. Because farmers were being blamed for so much pollution from burning their fruit tree cuttings, new methods of disposal were developed, such as chipping and grinding up the plant material.

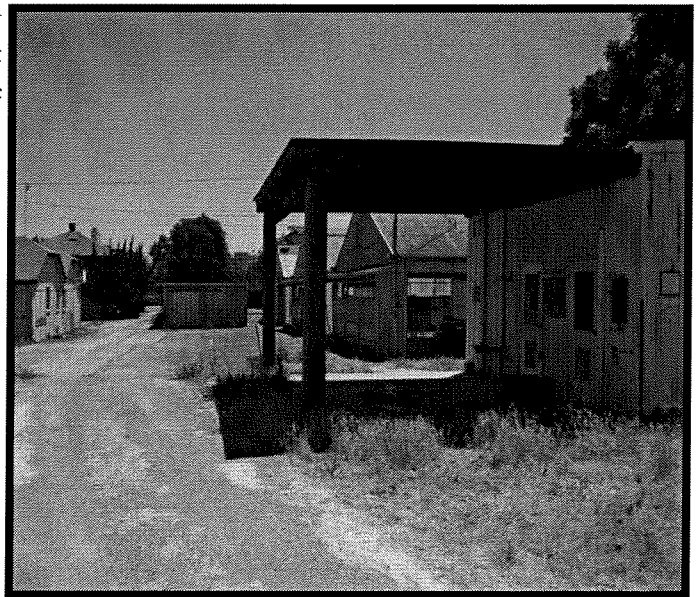
By 1983, the superintendent of the facility noted that the focus of the research had shifted to the backyard gardener and focused on the needs of the homeowner's, such as water conservation and reduction in pesticide usage.

The Bay Area Research and Extension Center closed on January 1, 2003. The promised \$2 million permanent augmentation to the Cooperative Extension that was part of the original deal, was never realized and UCCE received \$1 million for the transfer of the total 17.5 agricultural property. Left behind were 3 greenhouses, a shop, historical home with shop, potting shed, remaining experiments, including oak trees, and outbuildings. The pump for the working water well was removed. ■

For more details on the current issues, please visit the website (www.savebarec.org) or call 888-227-3280.

Source: Kirk Vartan, Save BAREC

Strategic Activity Coordinator



BAREC – Looking east, shop on left side, potting shed, greenhouses and chemical shed to right.

Civil War Plaque Dedicated at New Almaden

Few people realize how close California came to seceding from the Union during the Civil War, and throwing its support to the Confederacy. In 1862 President Lincoln ordered the seizure of the New Almaden Quicksilver Mines to secure the mercury supply so important to financing the war effort. This action led to a standoff between the New Almaden miners and Lincoln's military forces.

The mercury mine was established on the hill above the current town of New Almaden and was named after a large mercury mine in Almaden, Spain. During the 1848 gold rush mercury became important for use in separating gold and silver from the ores. The Treaty of Guadalupe Hidalgo was signed in 1848 ceding the entire state of California to the United States for the paltry sum of 18 million dollars. In comparison, by 1858 the New Almaden mine had produced 250,000 flasks of mercury worth 10 million dollars.

Following California's admittance to the Union there were years of confusion over land grants and the United States government began reviews of land claims for possible fraud. Believing that the New Almaden Mine Company's title was fraudulent, in 1858 the Federal Court in San Francisco levied an injunction forcing the company to stop work and close the mine. In 1861 the New Almaden Company appealed the decision to the U.S. Supreme Court.

The trial between the Supreme Court and the New Almaden Company took place in 1862-63, right in the middle of the Civil War. The Supreme Court decision was in favor of the U.S. government, with the land title judged fraudulent on the basis of some incorrect dates on the claim documents. President Lincoln was persuaded by his staff to seize the mine and sent a writ to this effect to Marshal C.W. Rand in San Francisco. The writ read in part: "Whereas, Andres Castillero and divers persons have under a pretended grant from the Republic of Mexico occupied the New Almaden Quicksilver Mine. And, whereas by the decision of the Supreme Court it has been adjudged

that the grant is fraudulent and void. Now, therefore I, Abraham Lincoln, President of the United States, do hereby order you to seize the property and deliver it to Leonard Swett, an agent who has been authorized by me to take possession of the same for the United States." (signed) Abraham Lincoln.

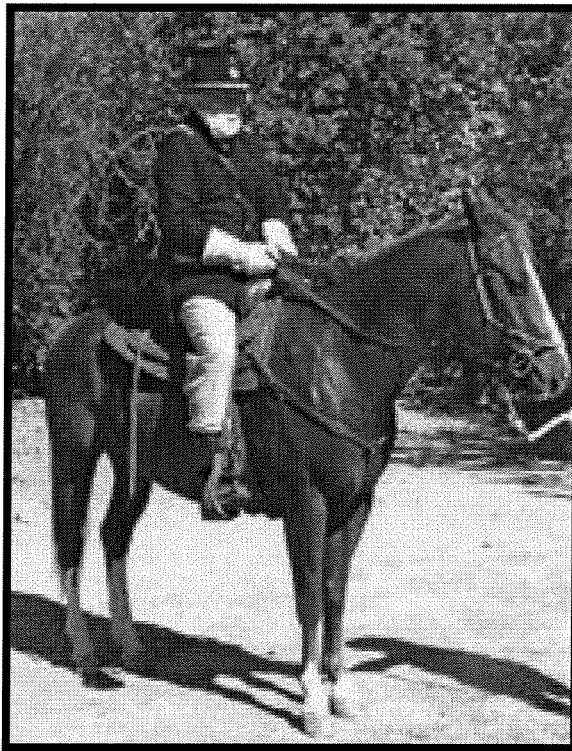
Marshal Rand journeyed to New Almaden and presented the writ to John Young, manager of the New Almaden Mine. Young informed the marshal that the writ was illegal since the current owners had operated the mine for seventeen years, and the owners had title to part of the land through the Berryessa Grant. Marshal Rand stated that he would return with an armed force to enforce the writ and John Young replied that such force would be resisted.

Fortunately, saner minds intervened in the persons of General George Wright, who had been ordered to supply the armed men to enforce the writ, and General Henry W. Halleck, who was General in Chief of the Union Army and also General Manager of the New Almaden Company. Generals Wright and Halleck, along with Frederick Low, later governor of California, sent telegrams to Lincoln urging the government to not use force to enforce the writ, believing that the Union would lose California to the Confederacy if the writ was enforced. Lincoln wisely canceled the writ in a letter to Low. A conflict was averted, California remained in the Union, and the New Almaden Quicksilver Mines continued to produce mercury for many years.

On October 8, 2005, New Almaden celebrated Pioneer Day with a reenactment of the standoff, 142 years after the incident. The New Almaden Quicksilver County Park Association, Santa Clara County Parks and Recreation, and E Clampus Vitus dedicated a

plaque commemorating New Almaden's important role in the Civil War.

Note: Information for this article was taken from New Almaden's souvenir plaque dedication booklet. Visit New Almaden's museum in Casa Grande for the "rest of the story" of New Almaden's fascinating history and land title details. ■



Jack Douglas as General Naglee at the Almaden Dedication

MEMBERSHIP FORM

Please type or print clearly.

Name(s):

Organization/Business/Employer:

Please ask your employer about matching programs for your contribution.

Address:

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We mostly notify our members of events via email. Not supplying an email address will make it harder for us to notify you about our events.

I WOULD LIKE TO RENEW MY MEMBERSHIP AT THE LEVEL OF:

- | | |
|---|---------|
| <input type="checkbox"/> Student / Senior (65+) | \$20 |
| <input type="checkbox"/> Individual | \$35 |
| <input type="checkbox"/> Family / Nonprofit | \$50 |
| <input type="checkbox"/> Contributor / Small Business | \$100 |
| <input type="checkbox"/> Patron / Corporation | \$250 |
| <input type="checkbox"/> Benefactor | \$1,000 |

I WOULD ALSO LIKE TO DONATE \$
TO HELP PAC*SJ PRESERVE OUR ARCHITECTURAL
HERITAGE. ONLINE DONATIONS WELCOME.

Please make your check out to "Preservation Action Council of San José", and send it to: PO Box 2287, San Jose, CA 95109-2287

As a 2006 member, you will receive our quarterly newsletter Continuity as well as invitations and discounts to our events.

To ask about benefits of higher membership levels, please call (408) 998-8105.

PAC*SJ will not release your contact details to a third parties without your consent. Please check this box if you would not like us to publicize your name as a PAC*SJ member: ☐

I WOULD BE INTERESTED IN VOLUNTEERING (please check):

- | | |
|--|--|
| <input type="checkbox"/> Serving as a Board Member | I am interested in serving on the: |
| <input type="checkbox"/> Volunteering at or managing events and tours | <input type="checkbox"/> Advocacy Committee |
| <input type="checkbox"/> Testifying at public meetings and hearings | <input type="checkbox"/> Fundraising Committee |
| <input type="checkbox"/> Writing articles for the newsletter | <input type="checkbox"/> Education Committee |
| <input type="checkbox"/> Helping with Preservation Celebration | <input type="checkbox"/> Membership Committee |
| <input type="checkbox"/> Helping with Salvage Sale / I have a truck | <input type="checkbox"/> Audit Committee |
| <input type="checkbox"/> Pro bono legal assistance | <input type="checkbox"/> Public Relations |
| <input type="checkbox"/> Service Learning Partnership (evaluating properties for architectural significance) | |



The Preservation Action Council of San José (PAC*SJ) is a 501(c)(3) nonprofit corporation dedicated to preserving San José's architectural heritage through education, advocacy and events.

We believe that historic preservation is **good for our quality of life and good for business.** We aim to integrate a strong commitment to historic preservation into the land use and development decisions of the City of San José that affect historic resources, as well as into the private decisions of property owners and developers. We try to bring owners and developers together to create historically sensitive projects that make economic sense.

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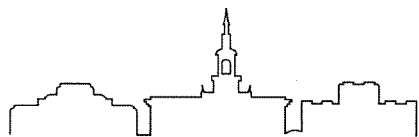
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JOIN OR RENEW TODAY—MEMBERSHIP FORM ON PAGE 23!

February 16, 2005

Honorable Mayor and City Council
City of San Jose
801 North First Street, Room 600
San Jose, CA 95110

Dear Honorable Mayor and City Council:

Subject: Bay Area Research and Extension Center (BAREC) Property

The City's Parks and Recreation Commission is recommending that the City Council support, to the extent possible, efforts to preserve the 17-acre Bay Area Research and Extension Center (BAREC) property on the basis of the historical significance and potential open space and recreational value of the property. Parks and open space are vital and bring immense environmental benefits. This site is located in the City of Santa Clara, contiguous to the San Jose border on North Winchester Boulevard between Dorich Street and Forest Avenue as shown on the attachment.

The Regents of the University of California are in the process of selling this publicly-owned land for redevelopment as single-family and senior housing according to the reuse planning concept for the property adopted by the Santa Clara City Council in February 2003. This plan includes a one-acre neighborhood park that will serve residents of both cities. The proposed development of the plan is currently on hold pending resolution of the property surplus process with the State.

The site was originally used as a center for mentally disturbed children from 1886 to 1920. Part of the site was then used as a home for Civil War veteran's families from 1921 to 1963; and from 1928 to 2003 the remaining land was used as an urban agriculture/horticulture research/education center under the University of California until its closure in 2003.

Members of the community have appeared before the Parks and Recreation Commission, requesting that the BAREC be preserved as either agricultural land or parkland. They have presented information that indicates there is broad community support from individuals and organizations within the community.

The City's Parks and Recreation Commission agrees with the community that the site has significant value as a historical, horticultural and recreational resource, which could be of benefit to both Santa Clara and San Jose residents. Therefore, the Commission is recommending the

San Jose City Council, in conjunction with the Santa Clara City Council, consider opportunities to work together to preserve some or all of the site for the use of future generations of both communities.

Your consideration of this matter would be greatly appreciated.

Yours truly,

A handwritten signature in cursive script that reads "Helen Chapman" followed by a small "cs" monogram.

Helen Chapman, Chair
Parks and Recreation Commission

Attachment – Map of Area

c: Sara Hensley, PRNS
Albert Balagso, PRNS
Scott Reese, PRNS





17 Acres of Santa Clara Valley Agricultural Land

presented by: Kathryn Mathewson, Linda Perrine,
and Friends of BAREC

Requesting Support from:

Santa Clara County Supervisor

Jim Beall

**To Save Prime Valley Farmland for Agricultural
and Environmental Education Purposes**

September 16, 2005

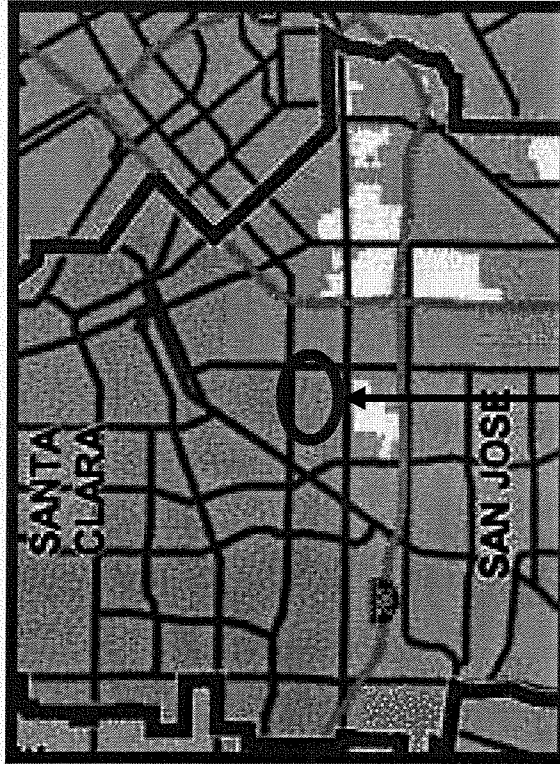
What is BAREC?
Why should it be preserved?

These 17 acres have been owned by The State of California since the 1920's and were used for both Horticultural and Agricultural research.

It is the only remaining such property in a place once known as:

“The Valley of Heart’s Delight”

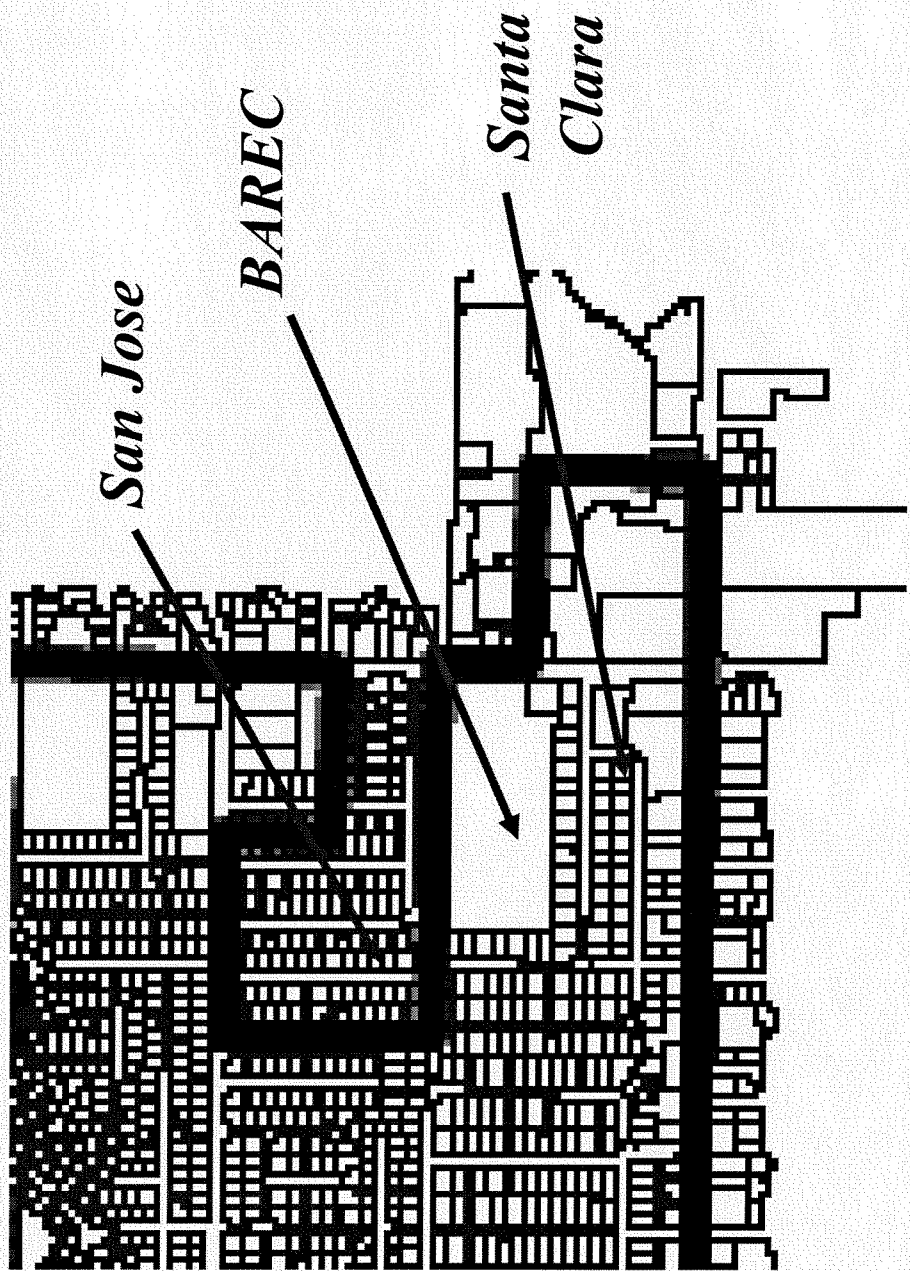
Santa Clara County - District 4



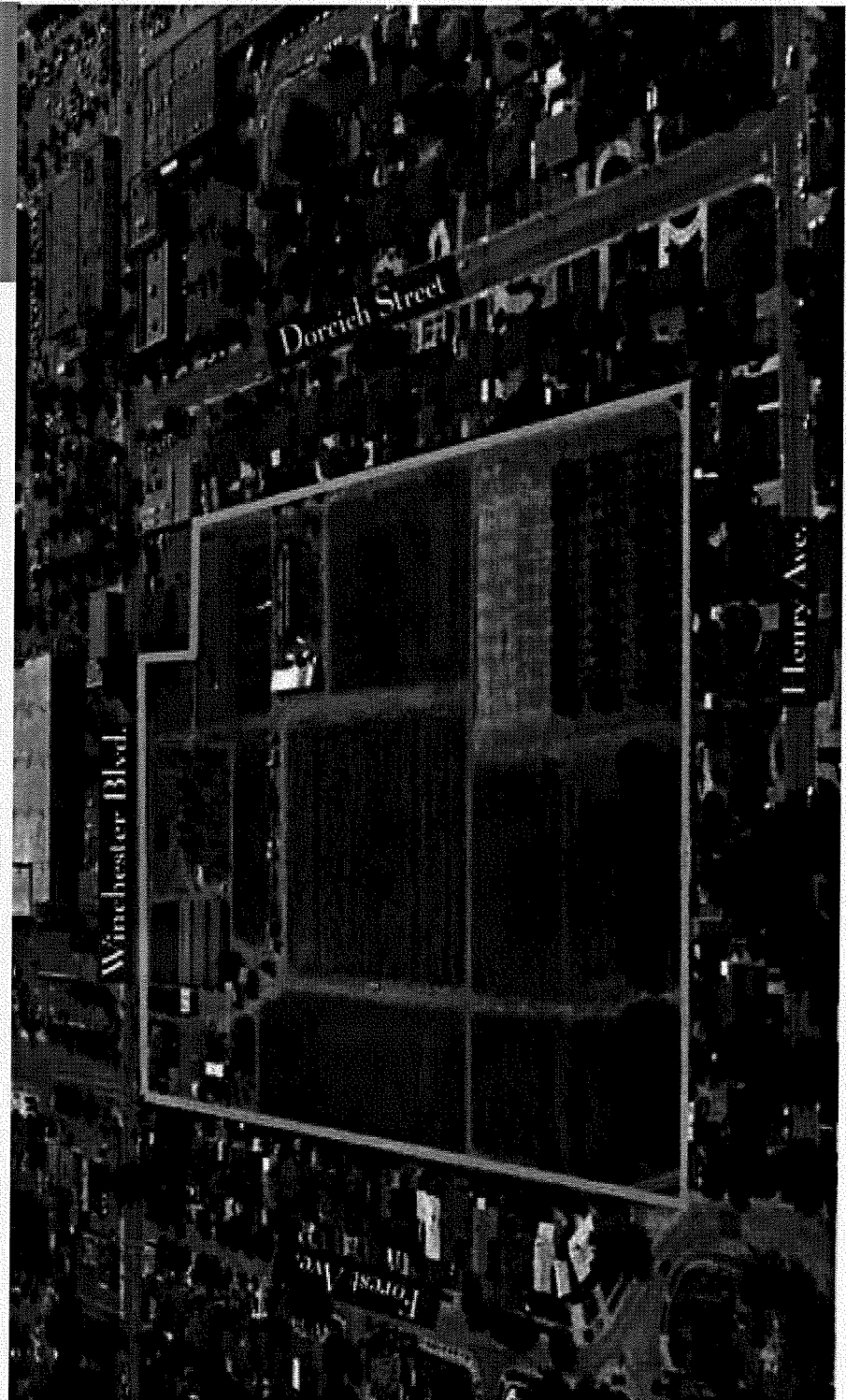
*BAREC is perfectly placed in
the middle of the district*

Note: Map obtained from Supervisor Beall's web site
<http://www.scc-assessor.org/scc/assets/docs/157287d4map.pdf>

BAREC is Shared Between Two Cities



Open Space in a Concrete Jungle

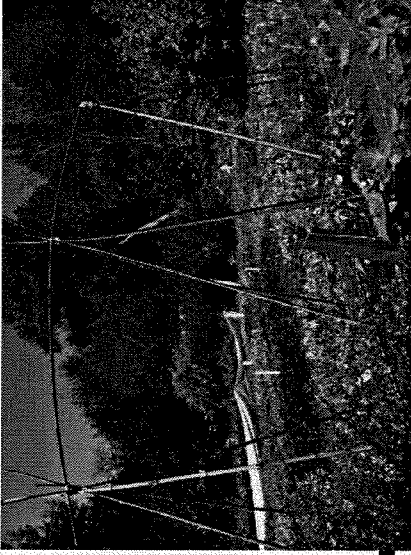


Brief History



- ◆ UC-Cooperative Extension owned and used BAREC from 1952 until January 2003, and then it returned to the State
- ◆ Unique historical property serving first the local community and then the agricultural community since 1850's
 - Research done on many crops (strawberries, garlic, fruit), irrigation, drought sod, disease control including native plants, and compost vital to San Jose's present Green Waste Program (which should be introduced to all SCC cities)
- ◆ Existing resources include: agricultural zoning, prime valley soil, 1920's buildings, shops, greenhouses, irrigation, orchard, garden beds, two wells, historical weather station, power and electrical, and a central location with easy access to public transit
- ◆ BAREC supported local school groups and agriculture/horticulture professionals since the 1920s; SCC schools and professionals could lose BAREC as a resource with no replacement

Current Status of BAREC



- ◆ BAREC is not officially sold yet! Status is “Sale Pending.”
Steps remaining:
 - Completion of Environmental Impact Report and 45 day public comment period
 - Develop and execute an adequate plan to clean up soil contamination
 - Prove that BAREC is not historically significant
 - Santa Clara City Council must vote to change the zoning from “agricultural” to “medium density housing”
- ◆ The non-profit VIVA Foundation has offered to buy BAREC for the appraised value of \$170K (agricultural zoned price)
- ◆ The Guadalupe Coyote Resource Conservation District has written the State stating they need BAREC as agricultural open space to support their mission
- ◆ Community meetings have standing room only community support. The community is prepared to have a Referendum if the Santa Clara City Council changes BAREC's zoning

Soil Contamination Issues Surrounding BAREC



- ◆ BAREC has been an experimental research station for chemicals since the 1920s. Its soil is contaminated from many kinds of chemicals, both known and unknown.
- ◆ The State's solution for cleaning up soil contamination is to remove the top foot of soil. This does not remove the problem.
- ◆ Chemicals are in gas form and throughout the soil strata.
- ◆ Recently DDT was found in the soil on State's land at Agnew State Hospital after housing was built. Watson Park in San Jose (East Jackson and 22nd Street) was recently closed for soil contamination (heavy metals were discovered on the site).
- ◆ EPA's research shows chemicals move through building foundations into the air of homes and offices.
- ◆ BAREC, our county, and the State need an inexpensive way to remove soil contamination. BAREC could be used as a Center of Excellence to create new technologies and businesses for our county, state, and nation.

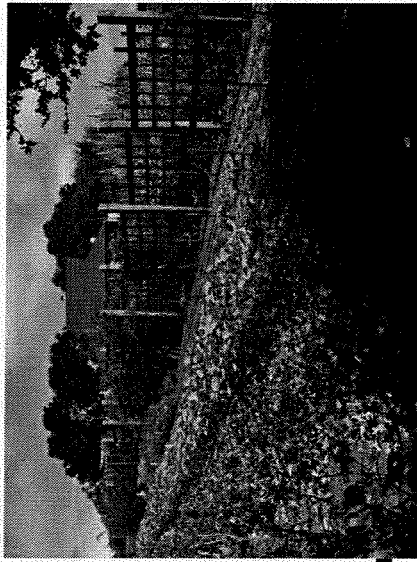
<http://www.savebarec.org> 8

Why is the future of BAREC a County Issue?



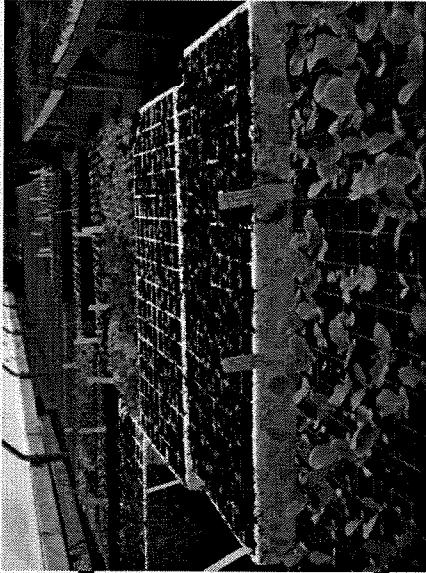
- ◆ BAREC and the surrounding community were unincorporated and in the county for most of their history.
- ◆ In 1983 the City of Santa Clara annexed BAREC and two sides of it; San Jose annexed the other two sides.
- ◆ All the homes adjacent to BAREC have San Jose addresses and zip codes and must pay San Jose insurance rates.
- ◆ The State and UC had a San Jose address for its entire history; all research credit was given to San Jose.
- ◆ Citizens of Santa Clara near BAREC feel they are treated as second class citizens and their issues are not addressed by the City.
- ◆ Research and programs on BAREC were for the SCC, the State, and the nation. New jobs and skills result when this happens. The county needs more balance in its job market.

Why Should Santa Clara County Be Interested in BAREC?



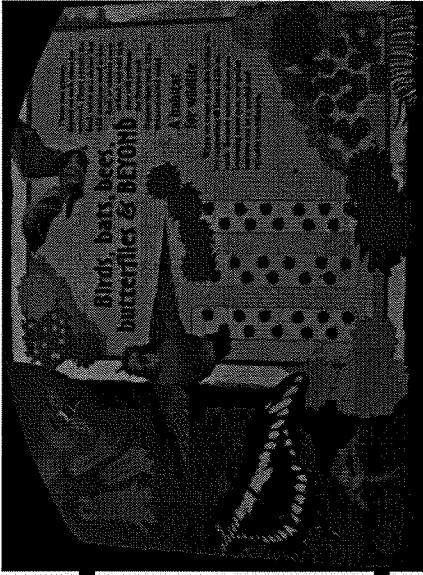
- ◆ This County, its residents and its children have an opportunity to create an educational farm/garden project on BAREC, open to the public, which would enhance the quality of life for future generations
- ◆ BAREC cannot be used until soil contamination is removed. Soil contamination is all over SCC creating many health problems.
- ◆ BAREC is set up as a research facility. The site can be used to research and clean up its soil and all the land the State is currently selling. It can also bring new technology ideas and jobs to market.
- ◆ Soil biology can clean up contamination inexpensively. California has no lab which studies soil biology/ecology. Soil Food Web will move from Oregon to BAREC.
- ◆ New technology like hydro-mechanical obliteration (developed in SCC) could revolutionize agriculture/horticulture, increase worker productivity by 300 percent, reduce health care costs, and create new jobs.

Why Should Santa Clara County Be Interested in BAREC? (cont.)



- ◆ Universities would create new classes and degrees and professions on soil health.
- ◆ SCC has imbalanced educational programs with only one week of environmental education in K-12. College environmental studies departments have no land near them for coursework and research.
- ◆ The other Bay Area counties are further ahead of SCC on environmental education programs (Santa Cruz's Life Lab, UC Davis's Children's Garden, Livermore's Camp Arroyo Sustainable Living Center, Berkeley's Edible Schoolyard Program, Marin's Food System Project, and many on the internet: (<http://www.kidsgardening.org/School/registrysearch.taf>).
- ◆ BAREC can be the center of a new revolution in soil health which translates to healthier food, plants, and people, and a less expensive government with less dependency on natural resources (oil, water, electricity).

Why Should Santa Clara County Be Interested in BAREC? (cont.)



- ◆ UCSC Agroecology and Sustainable Systems Program has offered to help SCC with its ag/garden educational programs if it is on BAREC.
- ◆ BAREC is centrally located in the county/District 4 and has direct access to the public transit hub at Forest and Winchester, across from BAREC and behind Valley Fair
- ◆ SCC District 4 has **NO** county park and County parks should be special ecological or historical places. BAREC is unique. There is nothing comparable to BAREC in District 4, the Central Coast, or the Bay Area
- ◆ SCC has no public botanical garden or arboretum yet it has prime soil and climate along with a rich agricultural history
- ◆ BAREC could help reduce all of the above problems if it is allowed to remain in open space.
- ◆ BAREC could qualify as National Historical Register site; we are pursuing the application process.

Santa Clara County Lacks Adequate Open Space in the Valley



- ◆ Large contiguous open spaces (not linear trails) near public transportation are needed on the Valley floor which are not next to freeways or under flyways
- ◆ Unincorporated neighborhoods near BAREC are missing at least 38 acres of open space per state's requirements
- ◆ West San Jose adjacent to BAREC is missing 20 plus acres of open space and its school open space has been reduced by more than 60 percent.
- ◆ SummerHill Homes recently built housing on our Valley's only large FFA (formerly Future Farmer's of America) one mile from BAREC.
- ◆ Schools near BAREC are losing their open space for development projects; "Sprawl" is even happening to our schools
- ◆ BAREC could offset this if it is allowed to remain as open space and be used as an educational sustainable garden & agriculture project
- ◆ Currently large open spaces are in mountains with no public transportation

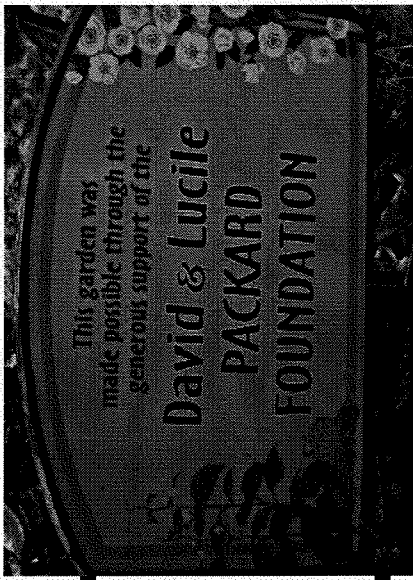
Need To Localize Food Production



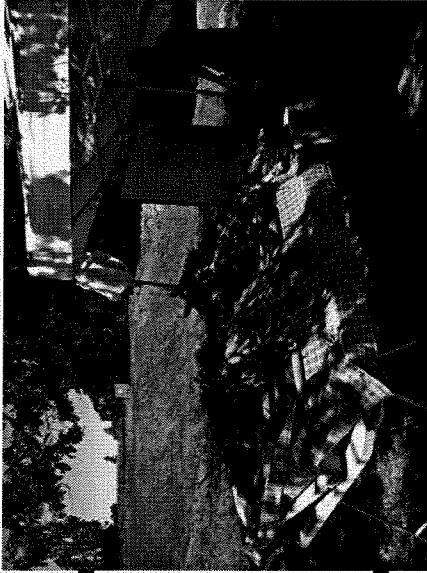
- ◆ Our food travels on average at least 1,500 miles to our table
- ◆ We need to be concerned about our food security given the political climate
- ◆ We should be localizing some of our food and helping those most concerned to understand how to grow their own food.
- ◆ BAREC could be first step towards educating the public on the need to re-localize our food production back into the Santa Clara valley and train residents for highly efficient, sustainable food production in their yards similar to Victory Gardens of World War II
- ◆ Our country and the world is on the verge of a very challenging energy crisis given the demand and need for oil and natural gas (Peak Oil)

BAREC Provides SCC Great Opportunities

- ◆ Vision for BAREC: Garden/Agriculture Programs to expand Environmental programs in SCC inspiring young people who could reinvent Silicon Valley environmentally (big business), develop a safer and healthier environment, and create a less expensive government and health care system.
- ◆ Independently funded and staffed through a non-profit (501c3)
 - Income generated from: grants, produce sold through Farmer's Markets, CSA and local school cafeterias, children's day care gardening programs, and educational programs
 - Provide hands-on gardening, agriculture, and nutrition education, meeting State science requirements and the federal government's new Wellness Program standards.
 - Learn how to clean up contaminated soils with a diversity of soil micro-organisms. This would remove many common diseases, create better food, and result in a less expensive health care system. BAREC could have the State's first soil testing lab for the soil's life.
 - Provide for sustainable local food systems which use less energy and are grown in healthy soil without chemicals
 - UCSC Agroecology and Sustainable Food Systems Program would like to assist getting a program started in Santa Clara Valley on BAREC property



Educational Ag/Garden Program Beneficiaries



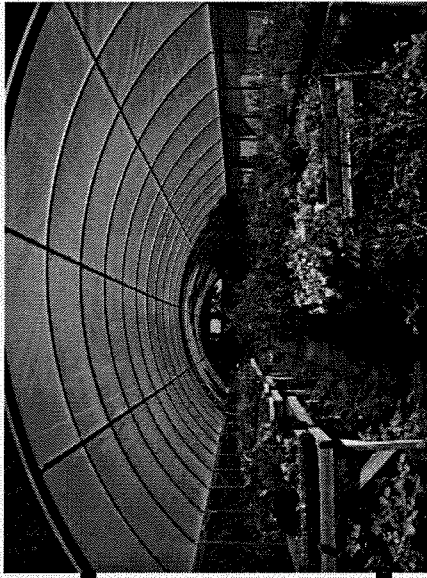
- ♦ Curriculum for all grade levels in local schools (K-12)
 - Currently students receive one week of Environmental Ed in K-12
 - We will be making our case for BAREC to SCC Office of Education September 21, 2005
- ♦ All local colleges have expressed a need for BAREC in support of:
 - Environmental Studies, Horticulture, Natural History, Biology
- ♦ Teacher training in organic gardening
- ♦ Adult education (college credit)
- ♦ General Public Programs
- ♦ Gardening is the #1 leisure time activity in the U.S.; gardening is big business
- ♦ Apprenticeship program (~45/season) similar to UCSC CASFS
- ♦ Training for gardeners, landscape professionals, government employees, home owners, and teachers
- ♦ Landscape professional training in organic methods including school grounds maintenance
- ♦ Restore home for Master Gardeners/Master Composters of SCC
- ♦ Long term goal: to create a more balanced community with citizens who are prepared to create new environmental business opportunities

What Do We Need from the SCC Board of Supervisors to make this happen?

- ◆ Your support for continuing to make BAREC unique for SCC and introducing a fourth chapter in BAREC's 150 years of community contribution.
- ◆ We request the SCC Board of Supervisors write the State and City of Santa Clara indicating that SCC needs time to evaluate BAREC's future.
- ◆ Refer to attached GCRCD letter and SCCOE sample letters
- ◆ Consider the ways BAREC could help improve the environmental quality and education in the county with particular emphasis on our farm/garden suggestions.
- ◆ Report the BAREC issues to the County's Housing, Land Use, Environmental, and Transportation Committee (HLUET) for a hearing on the ways BAREC can help SCC and specifically what we are suggesting.
- ◆ Apply to the EPA Grant Programs to get soil tests for BAREC and work with us to get accurate information on the chemicals used on BAREC over the years.

Addendum

Political/Legal Issues Around BAREC



- ◆ Santa Clara 2002 Housing Study showed housing was not needed on BAREC
- ◆ CA Civil Code Section 815: Preservation of Agricultural Land and Open Space...among the most important environmental assets of California.
- ◆ State failed to notify local or regional govt. agencies of BAREC's availability after they took possession of BAREC. Many regional and local agencies never knew of its availability before state offered it to developers.
- ◆ Brown Act violations by City and State discussing BAREC without public involvement or notice
- ◆ UC records from BAREC's library documenting soil contamination and history seem to be "missing"
- ◆ State's consultants working on sale of BAREC gave campaign contributions to two Santa Clara City Councilmen who pushed for BAREC housing
- ◆ State's developer is a UC Regent and owner of SummerHill Homes. Conflict of interest?
- ◆ These issues have been given to SCC District Attorney's office.

June 29, 2005

Jeff Crone
Department of General Services
707 Third Street, Suite 6-130
West Sacramento, CA 95605

RE: Purchase Offer of State Property called BAREC in Santa Clara by a non-profit for State and local agency/government usage and benefit.

Dear Mr. Crone:

As a California non-profit corporation, VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) would like to make an offer to purchase the 17 +/- acre Bay Area Research and Extension Center (BAREC) at 90 to 125 Winchester Blvd. in Santa Clara. It is our desire for BAREC to remain permanently in agricultural open space and to continue contributing to the community as it has done for 150 years. We plan to be a center for agriculture, horticulture, and environmental issues in the Santa Clara Valley. Nothing like this exists in the Valley and it is a much-needed balance to the building construction everywhere.

We are prepared to pay BAREC's value reported in the University of California Regents Committee on Finance March 15, 2000 minutes. This price is \$10,000 per acre. We request that before we purchase the property the State inform us of any contamination issues so together we can determine how it will be cleaned up with the most organic and sustainable process as possible.

All local and State agencies have not received a Department of General Services written notification of intent to sell BAREC. We have letters from several local and State agencies and governments stating that they need BAREC for their programs and goals. We have attached a list of some of these organizations, governments, and non-profits that would benefit as BAREC in agricultural open space. We plan to work and support the mission statements of these organizations:

Sincerely Yours,
Kathryn Mathewson,
President, VIVA

For more information on BAREC visit <http://www.savebarec.org>

Office of the President
March 8, 2000

TO MEMBERS OF THE COMMITTEE ON FINANCE:

ITEM FOR ACTION

For Meeting of March 15, 2000

**REVERSION OF PROPERTY TO THE STATE, BAY AREA RESEARCH AND
EXTENSION CENTER, SANTA CLARA COUNTY**

The President recommends that the Committee on Finance recommend to the Regents that:

- (1) The Regents hereby resolve that the approximately 17-acre Bay Area Research and Extension Center property in Santa Clara County (BAREC) is no longer necessary for agricultural research.
- (2) The Secretary be authorized to execute a quit claim deed or other appropriate documentation conveying The Regents' interest in BAREC to the State of California, if requested by the state.

BACKGROUND

The Bay Area Research and Extension Center property (BAREC) was conveyed to The Regents of the University of California from the Director of Finance of the State of California for use in agricultural research in two parcels, the first in 1952 and the second in 1963. BAREC, as one of the University's ten agricultural research and extension centers, has contributed to California agriculture over the years. Current research at BAREC includes programs on turf grass, water management, integrated pest management, and field crops. The enabling legislation refers to the Department of Veteran Affairs; this department still retains a 0.54-acre parcel contiguous to BAREC. Both conveyances to the University contain a stipulation that:

“... In the event The Regents of the University of California shall by resolution at any time determine that the whole or any part of the property granted and conveyed hereunder is no longer desirable or necessary for use in agricultural research, the fee title to said property described in such resolution shall revert to and vest in the State of California upon the recording of such resolution in the official records of the County of Santa, Clara, State of California.”

As a result of budget negotiations between the University and Department of Finance, Item 6440-001-0001 – For Support of University of California, Schedule (a), Provision: 17 of the Budget Act of 1999 states:

“Of the amount appropriated in Schedule (a), \$2,000,000 is for cooperative extension, contingent upon an assessment that land in Santa Clara County currently used for cooperative extension is available to the state for other purposes without restriction.”

The “*land in Santa Clara County currently used for cooperative extension*” is the land comprising BAREC. The \$2,000,000 is a permanent allocation to the UC Cooperative Extension budget and is in exchange for the University returning the BAREC land to the state.

Program Evaluation

The Division of Agriculture and Natural Resources (DANR) has determined that the value of the augmentation for Cooperative Extension is of substantially greater benefit to its overall program than continued research at BAREC and that research needs served by the center can be addressed at other sites. The decision to recommend reversion of BAREC was driven by the need to increase funding for UC Cooperative Extension programs. Cooperative Extension absorbed significant budget cuts in the early 1990s. Besides the loss of more than 50 farm advisor positions, these reductions have significantly affected DANR’s ability to deliver research-based educational information to user communities across the state. The \$2.0 million permanent augmentation in the Budget Act of 1999 from this action will be used to begin to restore the UC Cooperative Extension program capabilities.

A number of groups and individuals have expressed their concerns with the University’s discontinuing agricultural research at BAREC. President Atkinson wrote to Regents concerning this issue in a letter dated August 16, 1999. While acknowledging public concerns, the President, with the concurrence of the Vice President for Agricultural and Natural Resources, recommends that the Board determine that BAREC is no longer necessary for agricultural research and that the property should revert to the state.

An appropriate transition period to allow the completion of short-term research and transfer of other existing activities at BAREC will be negotiated with the state. A task force will be appointed by DANR to:

relocate longer-term research projects to (i) the local area, (ii) other division sites (there are nine other research and extension centers), or (iii) to cooperator sites;

recommend possible replacement or relocation of BAREC agricultural infrastructure; and

recommend bridge funding where needed for researchers to establish new test sites and lots.

Property Evaluation

BAREC is located on the north side of Winchester Boulevard approximately one block east of its intersection with Stevens Creek Boulevard in the city of Santa Clara. The level site is bordered by older single-family residences to the north, east, and west, strip commercial to the southwest, and the Valley Fair regional shopping center to the south. Given its long public use history, the property is not presently zoned (although the local General Plan calls for moderate density residential). Following its reversion to the state, any development on the site would involve a thorough public approval process. Because of the use restrictions applicable to its ownership, the University has not had the BAREC land appraised. Free of the restrictions applicable to the University’s ownership, however, this property is believed to have a fair market value in excess of \$1,000,000 per acre. The unrestricted value would ultimately be dependent upon the zoning and

entitlement of the property. As restricted for the University's use, the property's value is comparable to agricultural land valued at approximately \$10,000 per acre. In effect, the University's use of the BAREC land is analogous to a no-cost lease renewable for so long as the land is used for agricultural research.

In accordance with University procedures, the project, defined as the determination of lack of necessity and the related reversion of the BAREC land, has been classified as exempt from the California Environmental Quality Act (CEQA).

Bay Area Research and Extension Center

SaveBAREC.org

Home



What is **BAREC**? What is the Issue? Why save **BAREC**? How can I help?

"The greatest making of the future will be from a small piece of land." Abraham Lincoln



Santa Clara City Council Meeting

April 26, 2005

BAREC was on the Agenda



BAREC was placed on the agenda by request of Kirk Vartan. Many people spoke and a lot of perspectives, suggestions, and information were shared with the Council.

We have made the entire 36 minute section of the meeting available via video below. Additionally, we have broken-up the video into multiple segments, allowing you to easily see specific testimony from citizens and Council members, making it easier to hear the information you are interested in. We listed some highlight quotes from the video in the right column; however, in case there are any questions about the context of the statements, we are also providing the entire video for viewing. Simply click on a quote on the right, and the video of the person saying those words will start. The hand-outs given at the meeting are linked at the bottom of this column.

City Introduction:

- > City Manager Introduction (3 minutes - 800KB)
- > Planning Director Introduction (4 minutes - 1MB)
- > City Manager Introduction (1 minute - 400KB)

Citizen comments:

- > Kirk Vartan/Marguerite Lee (6 minutes - 1.8MB)
- > Master Gardener Sharon McCray (3 minutes - 1MB)
- > Lauren McCutcheon (2 minutes - 600KB)
- > Suzie Keels (1 minute - 300KB)
- > Andy Grammet (2 minutes - 700KB)
- > Bill Romano (2 minutes - 500KB)

City Staff/Council responses and comments:

- > City Staff response - Goodfellow (2 minutes - 400KB)
- > Councilmember Caserta (2 minutes - 500KB)
- > Councilmember Mathews (2 minutes - 600KB)
- > Councilmember Moore (2 minutes - 700KB)
- > Mayor Mahan (3 minutes - 800KB)

Four documents were shared with the City Council and the audience. Click on any one of them:

1. Kirk Vartan's Introduction, 2. Pre-meeting notes and information, 3. BAREC's supporter list, and
4. The San Jose Park's Committee letter, showing complete support for keeping BAREC as open space.

The following quotes can be clicked on to hear and see the **actual video** from the following people:

Planning Director Goodfellow:

"Those decisions [current development discussions] are merely preliminary, and the project will have to go through the full Environmental Impact [Report] review, General Plan amendment re-zoning, and probably subdivision maps before any final decisions can be made on the site."

"Closing on that [sales agreement] is contingent on the approval of the plans, just as it would be for the senior portion."

"Yes, the property is contaminated...the worst [soil] contamination will be physically removed."

Councilmember Caserta states:

"I just cannot stand here and say let's just have it [BAREC] all open space."

"Where's the money to do this?"

Councilmember Mathews states:

"I'm a fifth generation, native Santa Clara. My great, great, grandfather went out and fought; he's one of those Civil War people."

"The history that I'm going to make is going to be made today...to get this site developed..."

"We're not going to resolve Santana Row's issues of traffic or Valley Fair's traffic by not developing this site..."

Councilmember Moore states:

"I know there's a park; I'd like to see it be a little bit bigger. But, I think that neighborhood needs a park."

Mayor Mahan states:

"The reality is, the property is going to be developed... and there's nothing we can do to stop it. We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Entire video of the Council meeting:

Complete video (36 minutes - 9MB)

Videos require: Microsoft Window Media

Suggested BAREC PROGRAMS and the supporting Organizations

Visitor's Center: a Museum with Valley of Hearts Delight history including BAREC research, Interpretive Center, collection of Spanish Mission plants with farm from that period, Ethnic Foods and Cultural Contributions to our Food, Tours, Workshops, and Learning Resource Center.

Supporters: Local Foundations, Archeology Dept. at Santa Clara University; Smithsonian Institute, Proposition 40, Federal Farmland Protection Act, Pioneer Society and California Historical Society, San Jose History Museum, and California History Center at DeAnza College;

Organic Food and Nutrition: Local Farmers, Food and Flower Market, CSA Distribution Center, School and Senior Food Programs, Edible Landscaping, restaurant.

Supporters: California Farm Link, Ecological Farming Association, CSA Program, Hidden Villa, U.S. Dept of Agriculture, Village Harvest Food Bank, Chez Panisse Foundation, home owners, School Districts, UC Santa Cruz Agroecology and Sustainable Food Systems, various agricultural organizations;

Urban Gardening Research and Demonstration Center for Sustainability: Offices, Educational Rooms, Demonstration Gardens, Weather Station, Field Trials, Continuing Education Library for Environmental, Agricultural, Horticultural, Landscape, Master Gardeners, and local colleges and universities.

Supporters: Acterra, Audubon Society, CA Assoc. of Nurseries and Garden Centers, UC Santa Cruz Agroecology and Sustainable Food Systems, Environmental Studies at all local colleges, CA Landscape Contractors Association, Santa Clara Valley Water District, Sierra Club, Saratoga Horticultural Foundation, Silicon Valley Toxics Coalition, Ecological Farm Association, Common Ground, CA Horticultural Society; CA Oaks Foundation, Garden Clubs;

Horticultural Therapy and Alternative Medicine: Horticultural Rehabilitation Program, Alternative Medicine Plant Collection, Educational Programs, Inter-generational Gardening.

Supporters: nearby Hospitals (O'Connor and Valley), O'Connor Alternative Medicine Center, Mission Rehabilitation Center, Cabrillo College Horticultural Therapy Program, American School of Herbalism.

Soil Stewardship: Soil Testing Lab for the Biology of Soils (this will be the first in California), Master Composters, Composting research, Soil Micro-organism Pollution Clean-up.

Supporters: Santa Clara Valley Water District, Santa Clara Valley Master Composters Program, Silicon Valley Toxics Coalition, Santa Clara Valley cities for their Greenwaste programs and chemical reduction programs, California farmers, landscape professionals, golf course and parks maintenance personnel.

Children's Gardening: Demonstration Play Gardens, Gardening Day Care Center, Teacher Training, Natural Materials for Play, Plants for children, Plant Stories, Enriching the senses (beauty, smell, color) Garden as an art and science, School Outreach.

Supporters: Valley Fair and Santana Row, School Districts, City Arts Commissions, Horticultural and Agricultural Societies, parents, Foundations interested in Children's health and education.

Job Training: Training in all aspects of urban horticulture and agriculture.

Supporters: The Nursery and Landscape Professionals, local schools, Mentoring Programs, Agroecology Program at UC Santa Cruz, Center for Employment Training, Job Corps, City Year, and California Conservation Corps.

LETTER 110

Kirk Vartan
April 25, 2006

110-1

The commenter provides several attached materials including a list of individuals and organizations supporting that the BAREC site remain agriculturally zoned, power point presentation addressing a possible small-scale farming alternative, a power point presentation of a historical report prepared by Sharon McCray, quotes regarding the BAREC property, a variety of website and magazine articles, a letter from the City of San Jose Department of Parks, Recreation, and Neighborhood Services; a power point presentation describing the on-site farmland and open space; and miscellaneous web pages from the SaveBAREC.org website. With regard to the small-scale farming alternative, please refer to Master Response 6. With regard to the City of San Jose Letter, The City of San Jose letter is a letter from the Department of Parks, Recreation, and Neighborhood Services department to the City of San Jose Mayor. The City is recommending that the site, or a portion thereof, be preserved for future generations. This comment does not address the analysis presented in the DEIR; therefore, no further response can be provided.

None of the remaining attached materials provide any specific comments on the analysis in the DEIR; therefore, no further response can be provided.

From: "Margo Wixsom" <wixword@sbcglobal.net>
To: <gsciara@ci.santa-clara.ca.us>, <info@savebarec.org>
Date: 5/13/2006 9:30:57 AM
Subject: Preserving Santa Clara Historic land use

Dear Ms, Sciara,

As the city planning inspector who champions historical aspects of Santa Clara, I am requesting that you compile documentation on the historical contributions of the BAREC property to California agricultural and land use development. I have heard that the BAREC property has been targeted wholesale by the City Council for housing development without ever getting comprehensive feedback from Santa Clara residents on options for that land use.

111-1

As historical advisor I request that you use your voice to champion the preservation of this land for agricultural and park use. I recently learned that the city council has a high percentage of members who have real estate ties. I would expect that ethically those members with real professional real estate ties would excuse themselves from development issues on this land, as they potentially will benefit financially from the sale of housing. I ask that you bring the following issues into the spotlight in all future discussions of BAREC land use:

111-2

1.) That there is a precedent in Santa Clara of preserving historic lands and buildings/use. The historic value of preserving this land for agricultural (even if for native species flower gardens) is important to preserving the past and promoting the future of Santa Clara.

111-3

2.) That members of the city council who earn an income from real estate sales should excuse themselves from any decisions on development of this land, as they are primary beneficiaries of the sale of housing. Housing development seems to be the sole choice of land use that has been preempted the process of decision-making by council members from the beginning when the state turned the land over to local government administration. Their affiliations with making profit off this land creates a conflict-of-interest and potential scandal for Santa Clara due to the lack of respect or recognition for citizens who are trying to address the city council with the option of promoting the preservation of this land.

111-4

3.) That the city council open up the discussion for land use of the BAREC property. Currently the council has given SummerHill Homes and Charities Housing an exclusive voice on land use and development proposals. This allegiance with commercial development is blatantly corrupt when preservationists have consistently been shut out of the discussion of land use on the BAREC property. The council has even refused to invite park development discussion by groups like the Coyote Creek Land Trust, that has offered to help the city purchase the land for park use. On Tuesday the SaveBAREC group of citizens trying to open up the discussion was denied a request to make a 15-minute presentation to the council. Such narrow-minded focus for housing-only development diminishes our community and denies its citizens the due process of council government.

111-5

I am deeply concerned that the process of deciding how to use this land has been short-circuited by the short-sighted housing development interests that has been the sole focus of this city council from the start. I am shocked that the council is so adverse to hearing or even asking for any feedback from citizens (other than housing developers) on this issue. Please use your influence as a city historian to plead for consideration of historical preservation. I appreciate your efforts and commitment to the preservation of historic aspects of Santa Clara.

111-5
Cont'd

Sincerely,

Margo Wixsom

623 Viader Court

Santa Clara, CA 95050

LETTER 111

Margo Wixsom

May 13, 2006

- 111-1** The commenter requests that the Final EIR compile information on the historical contributions of the BAREC property to California agricultural and land use development. The commenter also suggests that the City did not get comprehensive feedback from Santa Clara residents about options for the Project Site. A comprehensive evaluation of the archaeological and historical setting of the Project Site has been prepared and summarized in the DEIR. Please refer to Section 4.11, "Cultural Resources" of the DEIR and Appendix L. Please also refer to Master Response 5.
- Regarding future development of the Project Site, the EIR's public involvement process followed the statutory and State CEQA Guidelines requirements for public notice and public review in seeking public input and incorporating it into the EIR. These requirements are intended to provide the opportunity for members of the public to provide their recommendations, comments, and positions for consideration by the lead agency. The commenter does not identify what additional public outreach is requested; therefore, no further response can be provided.
- 111-2** The commenter states that council members with real estate ties to the Project Site should excuse themselves from consideration of the project. Because this comment does not raise an environmental issue or question about the EIR's contents, no response can be provided.
- 111-3** The commenter advocates preserving the Project Site for its cultural history. The project's cultural resources were fully evaluated in Section 4.11, "Cultural Resources," of the DEIR. The project's cultural resource impacts were evaluated consistent with the requirements of CEQA in Section 4.11, "Cultural Resources," of the DEIR. As described therein, the DEIR concluded that the Project Site and its features are not eligible for listing on the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP) and that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document). Please refer to Master Response 2 regarding disagreement with the DEIR's and Recirculated DEIR's conclusions.
- 111-4** The commenter states that City Council members with financial ties to the Project Site should excuse themselves from making decisions on the future of the land. Because this comment does not raise an environmental issue or question about the EIR's contents, no response can be provided.
- 111-5** The commenter expresses concern with how the land use for the Project Site was selected and disappointment that City Council has not responded to requests by citizens to be heard. The EIR's public involvement process followed the statutory and State CEQA Guidelines requirements for public input and incorporating it into the EIR. These requirements are intended to provide the opportunity for public groups and members for the public to provide their recommendations, comments, and positions for consideration by the City and have been met.

From: "Kirk Vartan (SaveBAREC)" <kirk@savebarec.org>
To: "Gloria Sciara" <gsciara@ci.santa-clara.ca.us>
Date: 5/20/2006 9:26:12 AM
Subject: BAREC: More traffic and building in the area

Hi Gloria,

Please add the following comments and the referenced article to the pile of information your team is reviewing for the BAREC Draft EIR:

It was just made public that Valley fair wants to grow in size by almost more than 30%. That will take it to 2.1M square feet (up from 1.5M square feet). The additional parking and traffic that would occur is very significant. See an article in the SJ Mercury News on May 20, 2006:

<http://www.mercurynews.com/mld/mercurynews/14627724.htm>

I am concerned that the traffic impact analysis was not taking this into account when the studies were done. We met with the group that did the traffic studies for SummerHill Homes for the BAREC project and they were not aware of any development like this. They definitely did not take any of these calculations into consideration.

There are also talks of "Santana Row 2" which would be on the other side of Winchester. They specifically said they were not aware of any developments like that and said they did not have any traffic information on any future plans.

I am very concerned that traffic in general is not be adequately addressed. It's like these massive developments are throwing up their hands and saying, "well, we can't fix that problem over there, so we're going to just focus on our section."

The article listed above affects both San Jose and Santa Clara residents...yet another reason to put a moratorium on the BAREC project until you see what will actually be taking place. Adding more housing to this commercial expansion is a huge mistake. If a beautifully landscaped urban farm were put there, the community and the visitors could *walk* over to the open space and relax, learning about natural food production and taking a break. It keeps people in the area without more driving and generate more tax revenue for the City of Santa Clara. The real benefit is the food production it can do for the community and others.

Please add this to the list of things to review.

Thank you,

Kirk Vartan

CC: <info@savebarec.org>

112-1

LETTER 112

Kirk Vartan
May 20, 2006

112-1 The commenter expresses opposition to the project and states that the traffic analysis in the DEIR did not take into account the proposed Santana Row and Valley Fair Mall expansion. Since the completion of the DEIR, an application for the expansion of the mall was submitted to the City. One reason the Recirculated DEIR, dated July 2006, was prepared and released to the public was to reevaluate cumulative traffic impacts, including those caused by the proposed Valley Fair Mall expansion because of its close proximity to the Santa Clara Gardens site. Please refer to the Recirculated DEIR for this analysis.

Several attachments were also received by this commenter. Because of the size of these attachments, they are included in Appendix C of this document. No specific comments on the analysis presented in the DEIR are raised in the attachments; therefore, no further response can be provided.

From: "Kirk Vartan" <kirk@savebarec.org>
To: "Gloria Sciara" <gsciara@ci.santa-clara.ca.us>
Date: 6/21/06 3:11PM
Subject: BAREC Draft EIR - Additional Comments

Hi Gloria,

Please place the following attached document into public record for the review process. I presented this at the last Historical and Landmarks Commission meeting on June 1st. I was out of town on May 4th, so I couldn't make the meeting right after the official Public Review meeting on April 6th.

An odd thing worth noting was the meeting I attended on June 1st had a small black cassette tape recorder. I find it very odd and unfortunate that the meeting we were in on April 6th was not recorded. That way, there would not be a need for my attached note or another meeting...we could simply quote it directly. It might come down to the point where the meeting minutes need to reflect the sentiments and words more clearly from that meeting. Could you find out if they did happen to record the April 6th meeting? Even if the recording is poor, at least we can get verbiage that shows the emotion and conviction in the room that night.

113-1

Just so you know, the motion to agendize it failed because there were not four votes. There was a majority of commissioners present (it was a 3-2 vote), but I was told that you need four votes to pass a motion no matter how many commission members are present (there were only five that evening instead of seven). Rosalie Wilson, (who would have been the key vote in favor of the motion) was not present so we did not have her yes vote. We both know she would have voted in favor of agendizing it given the fact that at the meeting we attended on April 6th, she was the most vocal one, saying it was the land that had historical significance and to not focus or get hung-up on the building's historical significance. This was not even presented in the Draft EIR, but it is a very good and valid point.

113-2

Anyway, just thought I'd ask and see if maybe they recorded it and make you aware of the last meeting.

Thanks,

-Kirk

Good evening. My name is Kirk Vartan and I live in San Jose.

On April 6, 2006, during the public meeting reviewing the BAREC Draft Environmental Impact Report (Draft EIR) section entitled: Historical and Cultural Resources, a motion was made by Mr. Jim Boynton. The motion basically stated: To accept this section of the Draft EIR, including the recommendations to photograph all buildings prior to them being demolished and to file these pictures with Washington, DC. Ms. Mary Ann Marinshaw seconded this motion.

113-3

After some deliberation, the commission voted on this motion made by Mr. Boynton. The motion failed by a 5-2 vote. Well done. Thank you for not rolling over on this. However, there has been some controversy as to what your actions actually meant, even going so far as to say that no action was taken. I was in the room when you voted and I heard your strong and powerful comments.

So, I would like to suggest to this commission that someone make a new motion that sounds something like this, knowing that there will most likely not be consensus, but there will be a majority:

To DECLINE/DISAPPROVE the section of the BAREC property (90 N Winchester Blvd) Draft Environmental Impact Report entitled: "Historical and Cultural Resources" as it is currently written. This commission believes there is significant history in this property, be it in the buildings or the land, and we do not approve of the property's proposed change in land use leading to it's destruction and the significant unavoidable impact of the destruction of 17 acres of prime farmland. We recommend that that City of Santa Clara keep the zoning agricultural, maintaining a part of what our Mission City used to be like. Further, we want to recommend, as the Draft EIR did, to photograph all buildings and file them with the proper Washington, DC office for permanent record.

113-4

This motion will clearly state your collective feelings about this section of the document and let everyone know how you feel about the proposed land use. This is your time to make a strong statement. Please do so.

As a side note, the local chapter of the Sierra Club (Loma Prieta chapter) recently voted (unanimously) to keep BAREC in 100% agricultural open space and we continue to get signatures on our petition from hundreds of Santa Clarans. We have over 4,000 signatures in all. The petition simply states:

"I support keeping BAREC in Santa Clara (formerly the UC Agricultural Research Extension Center at 90 North Winchester Blvd., Santa Clara, CA) in 100% (one hundred percent) agricultural open space and kept zoned as agriculture, keeping its historical buildings in the same location."

113-5

There is broad community support for keeping (not changing) the agricultural status of the land. Remember, it is currently zoned agricultural.

Thank you.

Historical and Landmarks Commission

June 1, 2006

LETTER 113

Kirk Vartan
June 21, 2006

- 113-1** The commenter requested that his attached presentation to the June 1, 2006, Historical and Landmarks Commission be included in the public record. The commenter also asked if the April 6, 2006 public meeting was tape recorded. The commenter's presentation has been included in this set of comments and responses, starting with comment 113-3. It is the City's policy to record all meetings. However, the meeting in question was moved to Council Chambers and the City encountered technical issues in using the recording system in the Council Chambers. As a result, there was no tape recording for the June 1, 2006 meeting.
- 113-2** The commenter expresses his opinion why a motion to put BAREC on the Historical and Landmarks Commission meeting agenda failed. The commenter also reported that on April 6, 2006 he felt a commissioner stated that the land at BAREC had historical significance. Regarding the point about historic significance of the land, please refer to Master Response 5. No further response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 113-3** The commenter describes deliberations occurring at the Commission meeting on April 6, 2006. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 113-4** The commenter suggests to the Commission that a new motion be made to decline or disapprove the section of the DEIR. The commenter also expresses his disapproval of the proposed land use change and use and the recommendation to maintain agricultural zoning of the site. Please refer to Master Response 5 for issues related to the historic significance of the property. No further response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 113-5** The commenter states that community support exists to retain the Project Site in agricultural open space. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: "Kirk Vartan" <kirk@savebarec.org>
To: "Gloria Sciara" <gsciara@ci.santa-clara.ca.us>
Date: 6/30/06 10:20AM
Subject: BAREC additional comments - June 30, 2006

Hi Gloria,

I would like to add a few more comments to the Draft EIR process. The general topic of development around the project site was already pointed out in the public comments, but now that further information is available, I'd like to formally add it to the public comments. I have not gone into detail on any of the items; rather, I have listed the area with a brief summary for reference. I have a couple of contact names of people if you need them:

114-1

1. Valley Fair Expansion

Earlier this month, Westfield announced their plans to add 600,000 square feet of retail shopping, 50+ new stores, multiple five level parking garages, new Safeway/Longs, movement of the banks, etc. This development is SIGNIFICANT and needs to be analyzed as part of any development project in the area. Specifically, the BAREC Draft EIR needs to examine all aspects of the plans, the traffic impacts, the neighborhood impacts, and how it affects the area.

114-2

2. Santana Row Expansion

Currently, Santana Row is looking to grow some more. There is a plan in place to increase the restaurant facilities and possibly add up to 1,400 apartments or a new 400+ unit hotel. This is a SIGNIFICANT impact to the area and the BAREC Draft EIR needs to examine all aspects of the plans, the traffic impacts, the neighborhood impacts, and how it affects the area.

114-3

3. Highway 17/I-880 development, northbound

CalTrain is planning on re-developing part of the highway system. This is a SIGNIFICANT impact to the area and the BAREC Draft EIR needs to examine all aspects of the plans, the traffic impacts, the neighborhood impacts, and how it affects the area.

114-4

In conclusion, the above three items were not even mentioned in the Draft EIR. I find it very hard to believe that EDAW did not know about any of these plans, specifically the Valley Fair expansion. I am sure something that large has been talked about for a long time and many people were aware of it. Since it is directly across the street from BAREC and much of the development will take place in the City of Santa Clara boundaries, the BAREC Draft EIR has to address it.

114-5

I also find it disturbing that a large government project (the highway improvements) were not discussed in the BAREC Draft EIR. There is plenty of public information about this project. Why did EDAW not include this in the Draft EIR? To me, this shows that the report is not complete and needs to be significantly modified. A lot of additional research and information needs to be identified and included in the Draft EIR. Further, I can't see how a Final EIR can be released without first addressing all of these comments and getting additional public opinion before a Final EIR is prepared. It

is just not complete and should be re-circulated once updated.

Thank you for you including this information.

Kirk Vartan
598 N Henry Ave
San Jose, CA 95117
kirk@savebarec.org

114-5
Cont'd

CC: <info@savebarec.org>, <kathryn@savebarec.org>, <sharon@savebarec.org>

LETTER 114

Kirk Vartan
June 30, 2006

- 114-1** The commenter requests that the proposed Valley Fair expansion be examined in the BAREC DEIR. Since the completion of the DEIR, an application for the expansion of the mall was submitted to the City. One reason the Recirculated DEIR, dated July 2006, was prepared and released to the public was to reevaluate cumulative traffic impacts, including those caused by the proposed Valley Fair Mall expansion because of its close proximity to the Santa Clara Gardens site. Please refer to the Recirculated DEIR for this analysis.
- 114-2** The commenter states that the Santana Row is currently looking to add restaurants, apartments, and a hotel to its development. These development projects are part of the larger Santana Row project. The cumulative traffic model that was used to estimate project and other cumulative traffic impacts accounted for trips generated by the full buildout of Santana Row. As a result, the traffic trips from this development were evaluated in the cumulative scenario as presented on page 5-10 of the Recirculated DEIR.
- 114-3** The commenter states that Caltrans is planning to redevelop part of the northbound portion of Highway 17/ I-880. The commenter provides no evidence that this would be a reasonably foreseeable, probable future project. To date, the City has not received any notice from Caltrans. A DEIR must consider all past, present, and reasonably foreseeable future projects in its cumulative impact analysis, consistent with the requirements of Section 15130(b)(1)(A) of the State CEQA Guidelines. Because the City has not received notice or other substantial evidence about a proposed redevelopment of the interchange, it is not a reasonably foreseeable, probable future project and, therefore, is not included in the cumulative impact analysis.
- 114-4** The commenter states that the three proposed developments were not mentioned in the DEIR, particularly the proposed Valley Fair expansion. This comment is a restatement of the concerns and topics raised by the commenter previously. Please refer to responses to comments 114-1, 65-2, and 65-3.